

An Assessment of financial and management challenges faced by  
Community Advice Offices  
in the Western Cape Province

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Community Advice Offices  
in the Western Cape Province

Declaration

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or whole, of other people has been attributed and has been cited and referenced.

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Thabiso Nyapisi

## **Abstract**

The period between 1960s – 1980s saw emergence and proliferation of Community Advice Offices (CAOs) in South Africa as a response to the injustices of the apartheid regime. These small community-based organisations became crucial institutions within communities as they voiced out against discriminatory apartheid policies practised in marginalized communities at the time. So, CAOs continued to provide much-needed paralegal advice and information to members of the communities. Although the dawn of democratic South Africa presented the hope of benefits including that of access to human rights and legal assistance, the majority of South Africans still struggle to enjoy such social fruits. Thus, accessing some of those benefits has remained a challenge for the poor and those living in rural areas. Today, CAOs continue to provide paralegal assistance and information on social problems such as social grants, housing, debt, eviction, unemployment, domestic violence, pension, family matters, and labour-related matters, among others.

This study was an empirical research that aimed to explore the financial and management challenges faced by CAOs in the Western Cape Province. This study employed a qualitative research approach and data was collected through conducting in-depth interviews with the directors of the CAOs – as respondents. A purposive sampling technique was adopted and a sample of 20 organisations participated in this research.

This research found that eighty per-cent (80%) of the research participants maintained that their organisations were not financially secure. The majority of the respondents indicated that government should ‘come to the party’ and financially support their organisations in a much more significant and sustainable way as they (75% of the respondents) felt that they were doing work for government. On the management side, only 45% of the respondents indicated that their Board of Directors were fully involved in the running of the organisations and most of CAOs failed to attract volunteers as they could not afford to give them stipends.

The majority of the research participants felt that CAOs should be recognised and paralegals be included in the current Legal Practice Bill [B 20 - 2012] because failure to do so would leave the majority of South African citizens, living in poor communities, outside of access to the law.

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# **CHAPTER 1 – INTRODUCTION OF THE RESEARCH**

## **1.0 Introduction**

Community-based organisations are strategically positioned within communities to address social ills or conditions that affect society. Despite the crucial work that they do, some of them are confronted by a number of challenges that affect their operations. This research therefore, aimed to provide an assessment of financial and management constraints faced by the Community-based paralegal Advice Offices in the Western Cape Province.

The Community-based paralegal Advice Offices, usually referred to as Community Advice Offices (CAOs), like other community-based organisations, play a pivotal role in communities that they serve. Community Advice Offices (CAOs), are non-profit organisations that offer free paralegal information, advice and services to people who lack understanding of their constitutional rights, and those who are marginalized through poverty, social circumstances and geographical location (NADCAO, 2012). The history of these small yet important organisations goes far back during the unjust apartheid era when they provided paralegal advice to the marginalized and discriminated citizens. They voiced out against apartheid policies that discriminated against black people in South Africa and became alternative dispute resolution institutions within communities (NADCAO, 2012). By virtue of being located within the communities made them closer to the people to help them address their social problems and injustices as they are at grass-root level.

The dawn of democracy in South Africa presented hope that majority of the citizens will enjoy human rights and legal assistance, and other rights. But that has not been the case as the majority of citizens living in rural areas still struggle to access social justice. One of the reasons could be that professional legal services in South Africa, as with many countries, are expensive and make access to justice unaffordable for the poor citizens. Therefore, CAOs have remained useful and resourceful organisations within poor communities as they provide paralegal advice, information and assistance to communities on social assistance; housing; family matters; debt; labour disputes; pension; and unemployment insurance among other services.

Despite the fundamental work that CAOs continued to do, their financial sustainability remained a major challenge. Unlike other community-based organisations that receive

financial support from government, CAOs in South Africa had not received any significant financial support from the government, this study has revealed. The argument here is that if the South African government supports access to education for its citizens by providing financial assistance to the Early Childhood Development Centres in order to make basic education accessible to children, the same should apply for CAOs that strive to make access to basic and much-needed legal advice possible to citizens including those socially excluded and vulnerable.

The CAOs relied heavily on donor-funding for their survival, the study revealed. In most cases, they received small monthly grants from the funders. The recent global recession has adversely affected them, like it has done with many Non-Governmental Organisations (NGOs). This research revealed that some of the CAOs were forced to close down; others retrenched staff; whilst others had to cut their budgets, thereby affecting service delivery. This effect was mostly felt by the communities they serve. It should be noted that the financial recession also translated into some community members losing their jobs from their different work-places and that caused a back-log of cases, mostly labour-related, in the CAOs as will be discussed later in this dissertation. This beginning chapter will discuss the structure of this dissertation through highlighting what each chapter will entail.

The following chapter (2) will discuss the significance of this study by highlighting the main research questions underlying this research. One of the objectives of this study was to assess the policy framework guiding the paralegal sector. Thus, CAOs were not recognized in the current Legal Practice Bill [B 20 - 2012] and this has been major set-back in the paralegal sector in South Africa. Chapter 2 will also clarify concepts that form an integral part of this research. Then chapter three (3) of this dissertation will outline the research methodology which this research has adopted. This study was an exploratory study that employed a qualitative approach that aimed to obtain empirical data on financial and management challenges faced by CAOs. A purposive or judgmental non-probability sampling technique was employed to select the 20 respondents, who were directors of 20 CAOs in the Western Cape Province. It will be discussed in chapter three (3) that primary data was collected through conducting in-depth face-to-face and telephone interviews with the respondents. Limitations of this study included the fact that quantitative approach would be appropriate, but qualitative approach in this case enabled the researcher to interact with the respondents to obtain rich information through probing. Chapter 3 will also cover the ethical considerations

that the researcher had to be mindful of during the research process. Thus, the data gathered was handled with both anonymity and confidentiality. Neither the name of the respondents nor their organisations were mentioned in the reporting of this research. The researcher also ensured that no harm was done to the respondents, although the nature of this research did not expose study participants to any kind of harm or threat to lives. The researcher explained to the participants the purpose of the study and the fact that this was a voluntary research.

Further, chapter four (4) will review pertinent and important literature to this study. The chapter will highlight international policies such as United Nations (UN) Guidelines on Aid and Criminal Justice System of 2012 which advocate that every state has a responsibility to make sure that its citizens especially those living in poor, rural, remote; and economically and socially disadvantaged areas are provided with legal assistance. This policy also maintains that vulnerable groups should also be legally assisted by the state. However, in South Africa the first or primary level legal assistance is offered by CAOs as they are based in communities. It is very rare to find a professional government's legal aid office in rural areas. Some governments across the globe have begun to recognize the role played by community-based paralegal organisations. However, in most countries, including South Africa, the government has not set a clear policy direction for paralegals and the work of CAOs. Chapter 4 will therefore, cover those debates through drawing examples from international world and being more specific to South African case by briefly discussing the history of CAOs.

Chapter five (5) will discuss the main findings of this research. Thus, it was found in this study that most of the CAOs were not doing enough to mobilize their communities to inform them about the Legal Practice Bill (LPB) [B 20 - 2012]. This was despite the fact that most organisations' directors, that were interviewed, felt that signing the controversial LPB into law would leave the majority of community members out of the law, which was what they had not fought for during the liberation struggle (that overthrew apartheid). Chapter 5 will also outline that CAOs felt that they should be receiving support from government because they were doing its work by providing access to justice to South Africans. The majority of the CAOs felt that they were facing an unknown future as they were not financially sustainable. On the management side, less than 50% of respondents indicated that their Boards of Directors were fully involved in the running of their organisations.

Lastly, chapter six (6) will conclude that despite being faced by many challenges, both external and internal, Community Advice Offices remained an integral part of society as they have stood the test of time. The fact that some of them had survived for years without any form of funding bears testimony. This last chapter will also conclude that the fact that most of the CAOs' directors, who participated in this study, were not willing to share their organizations' audited financial statements raised questions on openness, transparency, and accountability of the governance of these organisations. This chapter will recommend that one private law firms could adopt one CAO at least because this would assist in capacity-building of CAOs and thus supporting them to handle their management and financial matters much better and professionally. This would in turn, the chapter will highlight, be the way in which private law firms could offer *pro-bono* services to community.

Chapter 6 will also argue that access to social justice for the poor should not be left in the hands of the public sector alone. Thus, it should not remain the sole responsibility of government to provide justice to all. Social partners such as CAOs; law firms and other stakeholders also have a significant role to play. Therefore, civil society organisations, government, and the private sector need to all 'come to the party' and develop a sustainable way to make access to social justice possible to all. An encompassing developmental model such as pulling funds in one big fund or pool to sustain civil society organisations such as CAOs should be developed to solicit funds from donors; business and government. The next chapter is Study Aims and Concepts.

## **CHAPTER 2 – STUDY AIMS AND CONCEPTS**

### **2.0 Introduction**

In this chapter the study aims and concepts will be discussed. It starts off by briefly discussing what motivated the researcher to undertake a research in this area. It is crucial to highlight the main research questions underpinning this research, these questions will also be covered in this chapter together with research objectives and assumptions. The key concepts used in this study are clarified or defined.

### **2.1 Motivation of this research**

The interest to conduct a research in this area emanated from the researcher's involvement in the paralegal sector working as an intern at National Alliance for the Development of Community Advice Offices (NADCAO) in Cape Town in 2012. NADCAO is the mother-body of more than 230 CAOs throughout South Africa. As an Information and Communications Management intern at NADCAO, the researcher got more interested in studying CAOs as units of analysis to understand some of their financial and management challenges given that government did not offer sufficient support to these community organisations yet they were committed to making access to justice possible to the poor and vulnerable in communities. Some CAOs would call from time to time to NADCAO to inquire if the organisation was financially supporting CAOs as they said they were struggling. This was one research area that has not been well-researched by academia and the researcher found it important to contribute in the generation of knowledge in this area and perhaps influence future research in this area.

### **2.2 Significance and Rationale of the Study**

Community Advice Offices have played an enormous role in changing South Africa into what it is today through ensuring access to social justice to the poor. The value and significance of this study was to gain deeper understanding of the financial and management challenges faced by CAOs in the Western Cape Province. Gathering of such valuable data would help to inform government about the need to provide financial support to the struggling CAOs so that they will be able to provide much needed access to social justice to the poor. It would also be significant to understand the involvement of the governing bodies

in the running of these organisations in order to highlight what strategies or recommendations could be made to address the situation in these small yet very important organizations.

Further, the findings in this research would help to inform government of the need to develop a policy framework to guide and direct the paralegal sector. Clear policy direction would define government's involvement in regulating and recognizing the paralegal sector and how paralegals would fit into the broader legal fraternity. Thus, collaboration of different stakeholders in making access to justice possible was crucial and thus required strategic policy direction which remained the responsibility of the government is needed. The research problem is that CAOs are faced by management and financial challenges which this research aims to find out.

Basically, the importance of this study was to come up with suggestions on what could be done to 'save' the CAOs from their challenges in a much more sustainable way.

## **2.3 Research Topic**

The topic for this research study was: An Assessment of financial and management challenges faced by Community Advice Offices in the Western Cape Province.

## **2.4 Main Research Questions**

Below is a set of main research questions underpinning this study:

- What are CAO directors' views about the current Legal Practice Bill?
- What financial sustainability challenges does the paralegal sector encounter?
- What management constraints does this sector currently encounter?
- What is the involvement of the management committees of CAOs in the running of these offices?

## **2.5 Research Objectives**

The research objectives of this dissertation were:

- To assess the policy framework guiding this sector;
- To analyse the financial and sustainability challenges faced by this sector;
- To assess impact of current global recession on CAOs; and
- To assess management challenges faced by this sector.

## **2.6 Research Assumptions**

The assumptions for the research were:

- That the advice offices were not receiving any form of funding from the government;
- That the sector lacked finance and management expertise;
- That sustainability was a problem in this sector;
- That CAOs were affected very negatively by the current global recession;
- That the government did not provide necessary support to the advice offices yet they play a critical role in making access to justice possible to the marginalized and poor communities; and
- That governing bodies (or management committees) were not fully involved in the running of the CAOs.

## **2.7 Clarification of Concepts**

This section defines main concepts which form an integral part of this research.

### **Community-based paralegal**

This research has adopted a definition offered by International Centre for Policy and Conflict (2012:10) and NADCAO (2013) that defines a community-based paralegal as a community based individual who is not a lawyer but has experience and basic knowledge and skills of law and its procedures and thereby provides basic legal service to the community at primary level. The role of a paralegal therefore is to make sure that community members understand basic law and their constitutional rights.

### **Community Advice Office**

This dissertation has adopted a definition provided by the National Alliance for the Development of Community Advice Offices (NADCAO) (2013) that paralegals are placed in “community advice offices” which are non-profit service organisations that are run by the paralegals to offer free legal information, advice and services to people who are not familiar to or lack understanding of their legal and constitutional rights. Mostly, CAOs are found in rural and remote areas. Often abbreviated as CAOs (plural).

### **Financial Sustainability**



This has to do with the organisation's ability to become more self-reliant. Cook (2002) argues that a self-reliant organization is one that has control over its resources and is able to maintain them and is able to decide strategically on how to utilize and manage those resources.

**Management challenges:**

Management challenges, for this research, refer to constraints that negatively affect the management or operational efficiency of an organization.

**Fundraising Strategy:**

This is a plan of how to obtain resources needed to execute and implement organizational objectives to achieve its mission, (Cuthbert, 1992; Cook, 2002).

**Legal Practice Bill of 2012 [B 20 – 2012]:**

This is a policy that seeks “to provide a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives; to regulate the affairs of legal practitioners; to regulate the professional conduct of legal practitioners so as to ensure accountable conduct...” (Legal Practice Bill, [B 20 – 2012] 2012: 2).

**Coordinator:**

For this dissertation, Coordinator is a person within the CAO who manages day-to-day running of the organization, sometimes called director. Both terms will be used interchangeably in this research.

**Financial challenges:**

For this research, financial this research, financial challenges refer to the organization's inability to provide sufficient financial resources to meet its organizational needs. Financial challenges normally affect organisation's ability to achieve its set goals.

**2.8 Conclusion**

This chapter has outlined the aims and significance of this study. The key concepts in this study were also clarified. One of the assumptions of this study was that the paralegal sector was facing sustainability challenges especially given the fact that CAOs depend heavily on donor-funding. The assumptions of this study were also been covered in this chapter. The

next chapter will discuss the research methodology which includes the research approach, sampling techniques, and research tools that were adopted to carry out this research.

## **CHAPTER 3 – RESEARCH METHODOLOGY**

### **3.0 Introduction**

This chapter will discuss the research approach; methods; and design that were adopted in this research study. This includes discussion on the kind of research tools and procedures that the researcher employed to make this study possible. This chapter will also outline a section on the ethics that were considered while undertaking this research. This chapter will later conclude by highlighting the possible limitations of this study.

### **3.1 Research Design**

This study was an empirical research aimed at exploring possible financial and management challenges faced by Community Advice Offices in the Western Cape Province. In order to gather relevant, meaningful, rich and informative data about this research topic, a qualitative approach was adopted and data was collected through conducting individual in-depth interviews with the respondents. Babbie and Mouton (2001) submit that a research design is a structured framework of how the researcher intends to conduct the research process in order to solve the research problem.

### **3.2 Research Approach**

The qualitative approach takes its point of departure as the insider's viewpoint on a social issue or condition in question with the goal of both describing and understanding the participants' views (Babbie and Mouton, 2001). That is, interviews, especially in-depth ones attempt to understand the world from a glance of the participant (Greef, 2011). In the qualitative approach, the most frequent form of data collection is basic individual interviews with the study participants (Babbie and Mouton, 2001). Heath et al (2009) submit that in-depth interviews provide a platform to individuals or a certain group to express their views and experience about the topic in question, whilst other data collection methods such as questionnaires do not provide such a platform. Babbie and Mouton (2001:289) argue that “an open interview allows the object of study an opportunity to speak for him/her/itself rather than to provide our respondent with a battery of our predetermined hypothesis-based questions.”

Further, the qualitative design encourages rapport-building with the respondent by allowing interaction between the respondent and interviewer. It therefore builds some level trust and

thereby increases chances of gathering fair and genuine responses from the study participants (Babbie and Mouton, 2001). Thus, the respondent tends to become more comfortable and likely to speak more openly about a particular research issue. It is ideal or expected that the respondent will do most of the talking whilst the researcher does most of the listening (Babbie and Mouton, 2001). The qualitative interview has a plan of inquiry and not necessarily a specific set of questions that should be asked in a certain order or sequence (Babbie and Mouton, 2001).

Babbie and Mouton (2001) further maintain that with the qualitative paradigms, the aim is to understand social action or condition within a certain context other than generalizing on a theoretical aspect of the population. The in-depth interviews allow the researcher to probe as he/she is seen as the main instrument in the whole research process. In this research study, the researcher was able to ask the questions on issues that were not clear or where he felt that there was need to probe for more information. The qualitative interviewing is characterized by being flexible, interactive and continuous and they are the most frequent method of data collection (Herbet and Rubin, 2000).

Further, Babbie and Mouton (2001) argue that instead of asking respondents to read questionnaires and enter their own answers, researchers or interviewers ask the questions orally and record responses from the study participants. De Vos (1998) highlight that qualitative researcher is concerned with understanding rather than explanation. "...the qualitative researcher embarks on a voyage of discovery rather than one of verification, so that his or her research is likely to stimulate new leads and avenues of research that the quantitative research is unlikely to hit upon" (De Vos, 2001: 244).

The advantages of telephone interviewing include the fact that they save money and time as opposed to face-to-face interviews where the researcher may have to drive several kilometers to the respondent's place or office and sometimes not find the respondent (Babbie and Mouton, 2001). Thus, telephone interviews can be cheaper and quicker. Also, the responses and answers from the respondent over the telephone are not affected by how either the respondent or interviewer looks; it can be possible sometimes to probe even on more sensitive issues over the telephone (Babbie and Mouton, 2001).

Moreover, with telephone interviews there is greater control over collection of data especially if many interviews are to be conducted by the researcher (Babbie and Mouton, 2001). This is because telephone interviews could be likely conducted with ease from one central place or research office where they can be tape-recorded (Babbie and Mouton, 2001). The other advantage is that it is convenient for the researcher to collect data widely without having to leave the research office. Also, with this method of data collection, Fouche (2000) argues, the researcher is able to explain the purpose of the study to the respondent, so the respondent's literacy rate is not a requirement and the response is usually high as respondents tend to participate easily. Babbie and Mouton (2001) submit that although survey research history has been dominated by face-to-face interviewing method, most researchers have begun experimenting telephone interviewing to collect data. The authors, however, warn that telephone survey population is not representative of the general population but could still be appropriate based on the population required (Babbie and Mouton, 2001).

### **3.3 Population and Sample**

The population for this research was all fifty (50) CAOs in the Western Cape Province. Strydom (2000:190) argues that “the term ‘population’ sets boundaries on the study units” and also refers to individuals that have certain characteristics. Therefore, population includes individuals which are of interest to the researcher and that meet certain criteria for research study as set out by the researcher (De Vos, 1998). And therefore, the researcher can draw his/her sample from the population.

Further, a sample is defined as an element or sub-set of the population that the researcher can consider to include in the research study (Arkava and Lane, 1998). Studying a sample helps to understand the population from which the sample was drawn because assumption is that a sample has features of the population. De Vos (1998) argues that sometimes it is not possible to study all members of the population, so studying a sample is likely to even produce more accurate and in-depth information as opposed to studying the entire population. One of the advantages of studying a sample is that it saves time and reduces cost of having to study the entire population, at the same time without necessarily compromising the quality of the data collected. Therefore, units of analysis or rather a sample in this research was 20 Community Advice Offices based in the Western Cape.

### **3.3.1 Sampling Framework**

The research employed a non-probability sampling technique - Purposive Sampling method to select the 20 Community Advice Offices (CAOs) that participated in this research. After obtaining contact database of CAOs in the Western Cape (see Appendix 1) from NADCAO, the researcher used his own discretion to select the respondents. Thus, CAOs that were reachable with ease and at minimal cost were given preference. Singleton et al (1988) submit that a sample that the researcher selects is composed of elements which contain the most characteristic, representative or typical attributes of the population. Babbie and Mouton (2001) submit that it is appropriate sometimes for the researchers to choose and select their sample based on own discretion and knowledge of the population and its elements. Also referred to as Judgemental sampling, this method allows the researcher to utilize his/her own judgement when selecting a sample (Singleton et al, 1988).

Babbie and Mouton (2001) argue that one of the drawbacks with adoption of purposive sampling technique is that the study findings are not representative of population. Tongco (2007) submits that the inherent bias of the purposive sampling technique contributes, at the same time to its efficiency because it stays more robust when tested against random probability sampling technique. Also for the fact that the choice of purposive sampling is critical and important to the quality of data that is being gathered and thus issues of reliability and competence of the study participant has to be ensured, (Tongco, 2007). So in this research, the researcher used his own knowledge and judgment to select the 20 CAOs that participated in the study. The criteria for selection of CAOs to participate in this study was that CAOs should have been registered in terms of the NPO Act and also offering paralegal advice as core of their business. It should be noted that the selected CAOs did not differ significantly with those that were not selected to participate in the study. Having worked at NADCAO, the researcher felt that this could have influenced CAOs that were selected to participate because they might have met the researcher before. So the participants might have felt morally obliged to participate in the study. However, the researcher informed that the study had nothing to do with him having connection with NADCAO, it was merely for academic purposes and the fact that participants should feel free to withdraw from the study since it was voluntary.

### **3.4 Data Collection Process**

The initial step for the researcher was to set appointments with the respondents through making telephone calls using the contact details obtained from NADCAO. The appointments were set at the time that best suited the respondent. The face-to-face interviews were conducted at the respondents' place of work around and a few were done in the Cape Metropole as the researcher 'took advantage' when the respondent came to Cape Town for their own business. Then the researcher scheduled an appointment with such respondents. A few interviews were conducted by telephone. Data was collected between May and July 2013.

#### **3.4.1 Data Collection Instrument**

An interview schedule (see Appendix 2) was prepared to guide the discussion with the respondent. De Vos (2000) maintains that semi-structured interviews allow the researchers an opportunity to gain detailed idea or picture of the respondents' thought and perception about the topic in question. This tool (semi-structured interview) served as a guideline for researcher during the interview. Even for the telephonic interviews, the researcher was guided by the same interview schedule.

The interview schedule was divided into five (5) sections starting off with the background of the organization, how it was established and the social conditions that led to its establishment. This first section was more of an ice-break yet important, giving the respondent chance to relax and speak more freely. Then the next section focused on management of the organisation; the third section dealt with finance while the forth section captured issues on programmes or services offered by CAOs. The last section covered policy framework with specific attention to the Legal Practice Bill [B 20 - 2012]. Questions were broken from complex to simple and in order to obtain rich data; most questions had sub-questions which were used to probe.

#### **3.4.2 Interviews**

Primary data was collected through conducting interviews with the selected sample of 20 directors of the Community Advice Offices (CAOs) in the Western Cape Province out of a population of 50 CAOs in the province. Fourteen (14) of the 20 interviews were conducted on face-to-face with the respondents whilst the rest of the six (6) interviews were done

telephonically. All interviews were conducted at the best time convenient for both the respondents and the researcher.

Conducting an interview at the respondents' workplace provided some privacy and comfort to the respondent so that they were able to talk freely and openly because they were in their familiar offices. The researcher built rapport with the respondents to make them feel relaxed. However, as expected, there were disruptions here and there during the interviews despite making appointments. Thus, the respondents sometimes had to attend to little administrative work and the interviews had to be paused for some minutes. Then the interviews were resumed when all was sorted. But in general, the interviews both telephone and face-to-face were conducted without major challenges or disruptions. All interviews were conducted in English in which both the respondent and researcher were comfortable with. The researcher is capacitated with social science research skills and training so he listened carefully during the interviews and let the respondent fill in the silence.

The response rate in terms of interviews was therefore 100% as the researcher was able to interview the selected 20 respondents. However, the researcher was able to obtain only four (4) financial statements of the 20 interviewed respondents. The reasons that respondents gave for not sharing their financial statements with the researcher varied from one organisation to the other. Common reasons were that their Boards of Directors were not willing to share them; that they did not have audited financial statements; and that they were yet to be audited at the end of the current financial year as they only received funding this year after so many years of financial drought.

### **3.4.3 Data Collection Apparatus**

Because the researcher could not write notes, listen to the respondent and lead the interview at the same time, a dicta-phone or voice recorder was used to capture the interview verbatim without missing any information. Permission for using this instrument was sought from the respondents. De Vos (2002) argues that the advantage of a voice recorder is that it allows full capturing of conversation and data during the interview process.

Further, a tape recorder allows a much fuller record as compared to notes taken during the interview (Babbie and Mouton, 2001). And this allowed the researcher to concentrate on the proceeding and leading of the interview. De Vos (2005:298) argue that "the study participant



should always have the right to ask for the tape after the interview if he/she would like to have it.” One of the disadvantages of recording is that the respondent may neither be happy nor comfortable with being recorded and as such may even withdraw from the study (De Vos, 2005). The respondents did not have any problem with the interviews being recorded. With the telephone interviews, the researcher put his telephone on speaker so that the recorder could pick up the interview.

### **3.5 Data Analysis**

Data analysis involves reducing and synthesizing the massive volume of raw data and identifying key findings in order to develop a structure or framework to disseminate and communicate the significance of the research discovery (Patton, 2002). The first step for processing the primary data in this research was transcribing the audios verbatim. This involved the process of listening to the recorded interviews and typing them as they were. The advantage of transcribing is that it provides the researcher with an opportunity to engage and interact with the data at first hand to get the general sense (De Vos, 2002). After that, the researcher adopted Tesch’s (1990:154-156 as cited in De Vos, 2002) approach of analyzing data which in this research was informed by the interview schedule. Thus these steps include that:

**Step 1:** The researcher got a sense of the whole findings by reading through all of the transcripts carefully. He then wrote down some ideas as they come to mind;

**Step 2:** The researcher selected one interview, the most interesting and thought about the underlying meaning in the information in relation to the response of the participant towards the research objectives. The researcher then wrote thoughts that came up in the margin;

**Step 3:** The researcher studied the transcripts and identified the themes that he picked up;

**Step 4:** The researcher took the list and returned to the data. He utilized those themes for analysis;

**Step 5:** The researcher found the most descriptive wording for the topics that relate to each other. The researcher repeated Step 3 to put themes; categories and sub-categories through viewing the interrelationship between categories;

**Step 6:** The researcher made a final decision on the themes; categories; and sub-categories that emerged;

**Step 7:** The researcher assembled data into themes; categories and sub-categories and the researcher performed preliminary analysis; and

**Step 8:** The researcher compared themes with transcripts to check if there is any data left out.

The researcher provided analytical discussion by illustrating and interpreting the data. Although criticized for subjectivity, this helped because the researcher was fully involved in every research step of this study. Therefore he had a thorough understanding of the research and analysis; he was in a far better position to provide sound argument on the findings of the research. Furthermore, Microsoft Excel was used to construct charts to summarize sections of the research findings in order to present the results visually. Microsoft Excel was also utilized to analyse financial statements of the organisations that the researcher was able to obtain.

In order to keep the respondents' organisations and names anonymous, the researcher utilized codes AO1, AO2...to AO20 instead. AO stands for Advice Office and AO1 stands for the first AO that participated in the study, then AO2 is the second participant, up to AO20 which is the twentieth and last participant. So, throughout this research, especially chapter 5 on discussion of findings, 'AO' will be used to refer to organisations as defined in this paragraph.

### **3.6 Ethical Considerations**

In social science research, human beings are objects of the study. This brings its own ethical issues to the fore which is less likely the case in physical or natural sciences that use clinical laboratory settings in most cases (Strydom, 2000). Babbie and Mouton (2001) argue that in conducting a social science research, the researcher needs to be aware of what researchers generally agreed on as proper conduct of social inquiry. It should be noted conducting this study was ethically cleared by UCT Social Science Research Ethics Clearance Committee.

NADCAO as the mother-body of CAOs was excited about the research being done in the paralegal area. So, although this study was not sensitive in nature, the researcher noted and was aware of the following ethical issues which have been fundamental to this research. They included the following:

### **3.6.1 Voluntary Participation**

In conducting social science research, participation of the study subjects disrupts them from their normal or regular activities. Thus, the researcher requested a portion of their time to participate in this study. “A major tenet of medical research ethics is that experimental participation must be voluntary. The same norm applies to social research. No one should be forced to participate” (Babbie and Mouton, 2001:521). The researcher therefore made it clear to the respondents that while their participation in this study was pivotal, it was voluntary and they were free to withdraw their participation at any time. The researcher also informed the respondents that they had a right not to answer certain questions if they felt so.

On the other hand, Babbie and Mouton (2001) maintain that although the voluntary participation norm is crucial, it is often impossible to follow it especially in cases where the researcher feels ultimately justified to violate it. So, it is important for the researcher to observe other ethical principles of social scientific research. The researcher informed the respondents on the informed consent (see Appendix 3 attached).

### **3.6.2 No harm to the participants**

The nature of this research was neither harmful nor exposing the respondents to any kind of threat to their lives. Ensuring that no harm happens to research participants is very crucial in any kind of social science research. Babbie and Mouton (2001) argue that social research should never cause injury to the research participants, regardless of whether they have volunteered to take part in the study or not. And in a case where respondents can be psychologically harmed in the study, the researcher has to get assistance for such research participants and guard against such harms (Babbie and Mouton, 2001). In this study, the researcher therefore explained to the respondents that this study was not harmful.

Further, Strydom (2000) submits that respondents should be informed well time about the potential impact of the research if any, so that they will be at liberty to decide whether to participate in the study or not. This could be one way through which possible harm to

respondents could be avoided. Thus, the respondents can make their own assessment judgment based on the nature of the study and then decide whether to take part or withdraw from the research. Strydom (2000) goes on to argue that the researcher may likely be ethically obliged to change his/her research study if it exposes the participants to harm which he is aware of. So, it is best for the researcher to try and avoid emotional or physical harm to the respondents before it happens. In this research study, therefore, there was no harm to respondents or any kind of threat that exposed their lives to danger.

On the other hand, Babbie and Mouton (2001) warn that, the same principles of voluntary participation and ensuring no harm to respondents is easy on theory yet very difficult on the practical side in most cases if the research study is sensitive or study participants are vulnerable groups such as children, the aged, mentally handicapped individuals, and prisoners.

### **3.6.3 Anonymity and Confidentiality**

Protecting the identity of the respondents or institutions they represent is very significant in social research. “If revealing their survey responses would injure them in any way, adherence to this becomes more important” (Babbie and Mouton, 2001:523). The two techniques of anonymity and confidentiality become crucial in this regard. The respondents were assured that neither their names nor those of their organisations would appear in the research report. That meant that the researcher kept the collected raw data anonymous and confidential as none of their responses were linked to their organization names. So, this makes both anonymity and confidentiality very important and close to one another. The right to anonymity was respected.

Further, each type-written transcript of this research was given assigned a code. WINzip was used to protect the audios and they were saved on the researcher’s password-protected computer and external hard-drive. The researcher deleted the audios after the research was completed. Also, the word-typed transcripts were saved safely on the researcher’s computer and all the raw data was shared with the researcher’s supervisor and deleted and destroyed after the research was completed. Mouton (2001) submits it is important to keep information from the research participants confidential although it has no legal protection.

### **3.6.4 Reporting of Findings**

In the same way, the researcher was ethically bound to the entire scientific community to report the results and findings as they were (Babbie and Mouton, 2001). The researcher was more familiar than anyone to the limitations and shortcomings of his research, so the researcher will highlight them in this research report. Researchers should “strive to maintain objectivity and integrity in the conduct of scientific research” (Babbie and Mouton, 2001:526). That is, the researcher in this study was ethically responsible to report the research correctly without deceiving or misleading anyone with the findings (Strydom, 2000). He had to comply with the social science research ethics. The researcher had to ensure that reporting of the research report was accurate, objective, clear and unambiguous and most importantly, highlighted the important data and findings of the research study itself (Strydom, 2000). In this study, the researcher used the codes assigned to each transcript to report this study. Shortcomings, drawbacks and errors that occurred in the research process of this study were admitted.

### **3.6.5 Validity and Reliability**

De Vos and Fouche (2000) define validity as having two parts namely the instrument actually measuring the concept in question, and the concept being measured accurately. So reliance is on the tool for measuring and accuracy of measurement. Hudson (1981) adds that valid measuring instrument does what it is intended to do, “as measuring what is supposed to measure and as yielding score whose difference reflect the true difference of the variable being measured rather than random or constant errors” (Hudson, 1981:104-105). Thus, validity has to do with the extent to which a tool or instrument is doing what it is intended to.

Further, reliability has been defined as the accuracy of an instrument (Hudson, 1981). That is how consistent and reliable the instrument is. De Vos and Fouche (2000) add that an instrument is reliable to a degree that “independent administrations of it or a comparable instrument consistently yield similar results” (De Vos and Fouche, 2000:85). The interview schedule was piloted with one CAO to test it and there were changes and inclusion of more questions around management and financial challenges. The respondent expressed excitement to share his experiences working in the CAO. The respondent highlighted that some of the questions around management were unclear and that there was repetition. So the researcher had to go make amendments and changes to clarify the questions.

### **3.7 Limitations of the Study**

This section will discuss limitations of the qualitative research approach adopted in this research. It should be noted that a quantitative approach could still be appropriate in this research as qualitative approaches sometimes are not representative of the population. However, as argued earlier, qualitative studies allow for probing and thus the researcher is able to explore for more in-depth information through the interaction with the respondent during the interview. Also, with qualitative study, the researcher could always go back to the respondent to seek more clarity if needed (Babbie and Mouton, 2001)

While praised for its ability to allow the researcher to interact with the respondent, researchers' subjectivity is the main limitation in qualitative approaches. Bhana and Kanjee (2001:143) maintain that "high level of subjectivity leaves serious doubts as to whether research outcomes actually reflect reality or the researcher's perception." At the same time, the researcher's ability to interpret data in own view cannot be ignored. Bhana and Kanjee (2001) go on to argue that the researcher is the analytical instrument in qualitative studies. Thus, the researcher is the main person because there is too much reliance on him/her.

#### **3.7.1 Limitations in data collection method**

There were two forms of in-depth interviewing that were employed for this research; thus in-depth face-to-face interviews and telephone interviews were conducted with the directors of the twenty (20) selected organizations that were respondents in this study.

For telephone interviews, Fouche (2000) submits that in most cases, long distance calls can be costly and thereby likely limit the length of the interview with the respondent especially if the sampling goes outside the researcher's local telephone zone. Babbie and Mouton (2001) argue that complex or very sensitive issues are often difficult to discuss in a telephone interview. Thus, people may feel embarrassed and harassed over the telephone and would likely avoid questions or become skeptical as the respondent might feel uncomfortable talking about sensitive issues to a stranger-interviewer over the telephone (Babbie and Mouton, 2001). So, quality of data collected from telephone interviews may slightly differ from the face-to-face interview, although telephone interviews in this study were very few.

The other short-coming with telephone interviews is that respondents could be more likely to hang-up much easier or terminate a telephone interview as opposed to a face-to-face interview where the study participant could be less likely to terminate or leave in the middle of the interview unless it is urgent (Babbie and Mouton, 2001). Despite those challenges, the researcher in this study did not encounter serious challenges with telephone interviews. It was about two or three potential respondents that did not pick up their phones at the scheduled telephone appointment times. Then the researcher had to schedule a fresh appointment with the next respondents that were willing to participate in the research, or even re-schedule the time to suit the respondent. Despite the number of telephone interviews being few, overall the researcher was able to collect data without much hustle.

### **3.8 Reflexivity**

This aspect of the research has to do with the individual's thoughts and ideas that could be inherently biased and how these individual biases, values and thoughts tend to reflect in their work (De Vos, 2006).

The researcher was not familiar with the location of the CAOs and he relied strongly on google map which was at times not very reliable. The researcher had to ask community or township members for the correct directions to where CAOs are located. The researcher sometimes felt uncomfortable and unsafe, with fear of being robbed because he felt that members of the townships could see that he was a stranger. The researcher was panicking at times as he felt vulnerable.

Further, the researcher was using public transport to get to these organisations and at times had to wait for long hours for the taxi to be full and thereby forcing him to push the interview to a later time than the scheduled one. So, the researcher thought that the study participants would either not be available or cancel the interviews when he could not make it at the agreed time. In the whole, despite these challenges, the research was carried out well and researcher felt confident to carry out this research.

### **3.9 Conclusion**

The advantage of in-depth interviewing is that it allows the researcher to interact with the respondents and thereby being able to probe and make follow-up questions to obtain rich

information. This chapter has outlined the research approach, design, data collection tools, ethical considerations and most importantly limitations thereof. One of the limitations of purposive sampling technique is that samples are not defensible as being representative of population because the researcher uses own discretion or judgement to select the sample (Babbie and Mouton, 2001). Another limitation was lack of generalization of the findings. This is the limitation for research studies that employ interpretive paradigm like this one. Thus, as to whether findings of just one province for example, can be used to generalize and argue that they apply to the entire country remains critical. Generally the researcher was able to carry-out the research without major challenges. The following chapter will review pertinent literature review that was crucial to this research.



## **CHAPTER 4 – LITERATURE REVIEW**

### **4.0 Introduction**

Millions of people living in rural areas around the world have difficulty in accessing social justice as they struggle with social and legal issues related to housing, family, debt, crime, property, social assistance and other matters that affect their well-being (Open Society Justice Initiative, 2010). The poor and those living in geographically isolated areas are often vulnerable as they struggle in obtaining support and assistance in addressing their social justice problems so that is because of lack of legal means to protect them (Open Society Justice Initiative, 2010).

Over the past decade and half, the work of paralegals working in Community Advice Offices (CAOs), especially in developing countries, has become an increasingly substantial part of the broader justice system (Index of Paralegal Services in Africa, 2012). Thus, providing basic legal information and advice to members of the communities and public on various justice and human rights areas has been at the core of community paralegal work. Internationally, according to Index of Paralegal Services in Africa (2012), the crucial role of paralegal service has gained momentum and recognition recently with the adoption of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012), which argue that paralegals and law students may provide assistance at court as long as they are supervised by qualified lawyers. This is as a milestone that could likely influence governments to re-look and re-think on how to support the Community Advice Offices as they at primary level for community members.

This chapter will discuss both systems and human rights theories as they underpin this research, then a brief history of the Community Advice Offices (CAOs) in South Africa will be covered, with few highlights of different international paralegal examples around the world and how they continued to benefit poor and vulnerable communities. Then this chapter will closely look at the policy framework in this sector and the fact that the current Legal Practice Bill [B 20 – 2012] excludes paralegals. The researcher relied heavily on internet sources, online journals, books from the library, government reports and research reports and material from NADCAO as sources of literature.

## **4.1 Theoretical Framework**

### **4.1.1 Systems Theory**

One school of thought that has been identified to be underlying this research is systems theory. According to Flamand (2001) systems theory refers to a host of theoretical and methodological practices ranging across disciplines. Systems theory involves a dynamic interrelationship between its key parts, its whole and societies and social groups or partners (Flamand, 2001). Thus, it captures the fact that each part relates to the other, one way or the other and their interrelationship becomes very important.

Furthermore, Paul et al (2006) argue that individuals form part of the many systems and thus affect the whole system. “Systems are in dynamic interchange and a change in one part of the system will affect other systems,” (Paul et al, 2006:58). Therefore, the presence of community advice offices in communities continued to make huge impact and it may be time now that communities take a responsibility to ensure that these offices remain operational through supporting them in a much more significant way. Local authorities also have a role to play. This shows the “interrelatedness and mutual interdependence of systems” (Godlaski, 1962:1), which is what the systems theory proposes. A system is made up of sub-systems or components that are interrelated to each other (Paul et al, 2006).

Further, Parsons (1951) makes a profound contribution to this theory arguing that it is a system of interaction between actors and that the ways relations between actors is structured as involved in an interactive process which is the structure of the social system. Parsons (1951) sees this network and interaction as important because it forms the basis of relationship between the actors. Therefore, it should be noted that parts that make the whole system are interrelated and the health or survival of the entire system relies heavily on the functioning of the sub-systems.

That means each sub-system – community, organisations, households, and other actors in community are crucial to the entire system to function very well and the relations amongst those actors are very important. Community Advice Offices, acting as catalysts through making social justice accessible have been instrumental, supported by community to voice out against apartheid. Therefore, that made the system work perfectly. The importance of actors such as government and other agencies as sub-systems in the area of social justice is

important in supporting CAOs to make access to social justice possible. Reciprocal relationship between elements that build up the whole is important to making the environment lively and conducive.

#### **4.1.2 Human Rights Approach**

Human Rights Approach is another school of thought underpinning this research. Pioneers of this approach, Amartya Sen and Martha Nussbaum, argue that human rights should be viewed as social goods that every society should possess and that human rights is very crucial as the foundation for setting policy agenda or issues internationally or national debate (Alexander, 2004). It need not be ignored for the fact that human rights also include socio-economic rights of citizens and how they are meaningfully protected to shape one's well-being and entitlements. Thus, the 1948 Universal Declaration of Human Rights advocates for involvement and commitment of governments and other social partners to address social injustices and practices affecting human well-being and happiness (UN Declaration of Human Rights, 1948).

Therefore, Community Advice Offices are seen as important entities and government's social partners in ensuring that people living in poor communities understand their human rights and that their social injustices are addressed. Amartya Sen and Martha Nussbaum, as Alexandra (2004) argues, offer a framework that closely looks at people's capabilities and advocating for the kinds of freedoms, opportunities and choices available to them in order to make their lives more meaningful. Therefore, human rights are significant to individuals to achieve certain freedoms that correlate to what should be done to safeguard and expand their freedoms and thus get rid of social injustices that affect them (Sen, 2005). It should be noted that this line of thought disputes the traditional framework of focussing attention on economic aspect such as the Gross National Product (GNP) per capita and distribution of basic resources, whilst issues such as the social conditions to transform people's lives are equally significant (Alexandra, 2004).

Furthermore, human rights approach is premised on the thought that protecting the rights of human beings is important. Taylor (2011) supports that human rights approach is based on promoting and protecting human rights of people. So chapter 2 of the South African Constitution (1996) on Bill of Rights provides for protection of human rights that cover civil, political and socio-economic rights of all people in South Africa (South African Constitution,

1996). Thus, human rights aspect is a huge area and institutions such as CAOs have been focusing on ensuring access to social justice. Although government has to provide a conducive environment that promotes and protects human rights for all, non-state actors also have an important role to play. But it remains critical whether South African government is doing enough to protect rights of its citizens as outlined in the Bill of Rights.

Hamm (2001) submits that human rights approach puts emphasis on how human rights are interrelated and interdependent on one another, and most importantly economic and social rights being authentic concern of development policy. The argument here is on a development that has adopted a human rights approach. The basis is the 1948 UN Universal Declaration of Human Rights which expresses rights which human beings are inherently entitled. Human rights tradition and literature maintain that natural rights human rights are attached to people simply as part of their “innate humanity” (Ife, 2012:14). That means we are born with God-given rights that are embedded in our humanity (Ife, 2012). Therefore, these rights therefore need to be respected and government and other social partners including human beings themselves form important actors that need to work towards preserving and protecting those rights against violation. The 2000 UN’s Human Development Report put more emphasis on approaches that can be integrated into human rights standards and principles into frameworks for development, poverty alleviation and other social issues (Vizard et al 2011)

## **4.2 History of Community Advice Offices in South Africa**

The crucial role played by Community Advice Offices (CAOs) in South Africa dates back to the apartheid era where they stood up against the discriminatory policies of the government of the day through providing paralegal advice to most of the marginalized South Africans living in rural and township areas (Dugard and Drage, 2013). Fine (1990) argues that non-lawyers, such as paralegals, in South Africa have been playing an important advice-giving role and providing support and assistance with addressing socio-economic, political and legal problems confronting members of communities. Structures, at community level, such as CAOs then became very important.

Further, Black Sash has remained one of the important players in advocating for social justice in South Africa as it aimed to, among others, to ensure that social and economic justice is recognised as fundamentally important (Black Sash, 2013). Providing paralegal services has

been one of the areas Black Sash was focusing on (Benjamin, 2012). Therefore, Black Sash has been instrumental in building the security of paralegal advice office sector through the establishment of the National Alliance of Development of Community Advice Offices (NADCAO) as its project (Black Sash, 2013). Open Society (2014) also share the same sentiment that Black Sash provides free advice and paralegal support as it aims also to enable access to justice in the rural areas of South Africa by initiating NADCAO.

Benjamin (2012) also agrees that CAOs and community-based paralegals played a major role and have been part shaping the political and social landscape in South Africa since the apartheid. So, majority of South African citizens especially the poor and vulnerable, continued to benefit from the services offered by CAOs especially because these organisations are based within communities. Bodenstein (2007) shares the same sentiment that the CAO sector has 'richly' contributed as the activist force during the apartheid epoch and towards the dawn of South Africa's new democracy. Thus, CAOs worked towards protecting and advancing socio-economic rights of the discriminated groups.

Moreover, Naidoo (2005) argues that CAOs provide services that contribute to social cohesion and are helpful in facilitating access to services provided by government to the poor people. CAOs are the primary tier of support and legal advice and assistance to poor people living in rural areas that have a challenge or struggle to access other forms of legal representation (Naidoo, 2005). By virtue of being based within communities, CAOs continue to become strategically important as they serve majority of the poor people.

The era of the 1980s saw a proliferation of CAOs in communities across South Africa because of increasingly oppressive apartheid practices and escalating political violence at the time (Benjamin, 2012). On the same token, Dugard and Drage (2013) submit that most of the CAOs in South Africa were established in the 1960s – 1980s as a response to repressive legislations that were imposed by the apartheid government against black South Africans. CAOs worked closely with key organisations such as Centre for Applied Legal Studies; Legal Resource Centre; and Lawyers for Human Rights, among others (Dugard and Drage, 2013).

## 4.3 International Paralegal Examples

The practice of paralegals is not new as many countries have adopted it throughout the world. For instance, in Uganda, the Foundation for Human Rights Initiative has, for over a decade, provided various trainings in communities to legally empower members of society to be capacitated as own self-advocates and thereby start demanding their rights and also be able to hold their local authorities accountable (International Centre for Policy and Conflict, 2012).

Additionally, in Zambia, the International Centre of Policy and Conflict (2012) notes, Legal Resource Foundation is one of the significant paralegal stakeholders that provide legal assistance to disadvantaged people. This organisation runs community development and empowerment programmes within communities to empower the marginalized, vulnerable and socially excluded in order to solve their social injustices within their own communities (International Centre for Policy and Conflict, 2012). The significance of such programmes is that they work on capacity building of community members on their rights and most importantly to equip them with tools that will enable them to participate meaningfully and critically in the governance of their communities.

The Paralegal Advisory Services (PAS) in Malawi has been making significant progress in providing paralegal support to over 80% of the prison population and prisoners to become capacitated them on their human rights and constitution (International Centre of Policy and Conflict, 2012). The Malawian Law Society has been considering formal inclusion and recognition of paralegals in the draft Legal Aid Act of 2005 as competent and significant providers of basic legal assistance and civic education (International Centre of Policy and Conflict, 2012). This is one of the developments in Malawi that means the role of paralegals in that country is of paramount significance and has not gone unnoticed.

Moreover, several Non-Governmental Organisations in Tanzania – such as Women’s Legal Aid Centre, Legal Centre and Human Rights Centre, Zanzibar legal Service Centre and several others – have been playing an important role in deploying paralegals across the country (International Centre of Policy and Conflict, 2012). This was a response to government’s failure to provide legal aid services to all its citizens in the early 1990s, according to International Centre of Policy and Conflict, (2012). Also, the paralegals in Tanzania have since formed a national forum – Tanzania Paralegal Network – that attempts

to improve standards of paralegals and ensure sustainability of the paralegal sector (International Centre of Policy and Conflict, 2012).

In Kenya, community paralegal education programme gained popularity in the early 1990s across the country as key stakeholders such as Legal Education and Aid Programme of the Kenya Adult Education Association (LEAP KAEA) responded to the need to capacitate members of the public on basic law knowledge (International Centre for Policy and Conflict, 2012). And thus civic education on human rights remained important.

On the other hand, in countries such as the Netherlands, the reform of the Legal Aid Board System in 2003 saw lawyers work hand-and-glove with paralegals to provide legal assistance to members of the public (Open Society Initiative, 2010). And this enabled the public to receive general information and have their problems addressed or informed of available legal options at no cost (Open Society Initiative, 2010). A similar paralegal model exists in Poland through its network of Citizens Advice Bureaus; and in Hungary, Open Society Initiative (2010) notes, Roma paralegal training was supported through European Union structural fund.

#### **4.4 Formation of South Africa's National Community-Based Paralegal Association (NCBPA)**

The dawn of democracy in South Africa saw the establishment of the National Community Based Paralegal Association (NCBPA) in 1996 with the vision to organise and strengthen the paralegal sector that was very fragmented (Benjamin, 2012). The NCBPA was formed as a network of nine (9) provincial paralegal associations (Benjamin, 2012). This initiative was a result of talks between different stakeholders and paralegals that saw the need and importance of having a national representative body that will transform and develop the CAO sector (Benjamin, 2012). One of NCBPA's objectives was to organise the sector into a collective unit that will lobby government to recognize the role played by paralegals in making access possible to South Africans; and also to fundraise for organisational sustainability (Benjamin, 2012). This development was a crucial milestone in trying to enhance the national voice of the CAO sector and most importantly unite the fragile sector.

Moreover, shortly after its inception, NCBPA received significant financial assistance from local and international donors including the International Committee of Jurists – Sweden Section (ICJ-S) which was among the main funders (Benjamin, 2012). That also saw the establishment of the National Paralegal Institute (NPI) in 1999 as a project, with the aim to “represent the interest of practising paralegals and to be a training provider...to offer a 2-year paralegal diploma” (Benjamin, 2012:17). The 120 CAOs that were members of NCBPA at the time enjoyed much support and assistance, including financial, from their ‘mother-body’ (Benjamin, 2012).

However, 2004 signalled critical challenges for both NCBPA and its NPI as funding from the major funder ICJ-S declined significantly (Benjamin, 2012). It should be noted that there were successes yet challenges as well. The ICJ-S conducted an external review that raised a number of concerns including the difficulty of NCBPA to “produce audited financial statement; discovery of ‘cross-subsidisation’ of projects supported by other donors; and that funds were not reaching advice offices” (Benjamin, 2012:17). The ICJ then decided to withdraw its funding from the CAO sector around 2006 thereby posing a big challenge that led to the collapse of NCBPA and its project NPI and this left the sector back to square one and struggled for funding (Benjamin, 2012). This development saw most CAOs in a critical situation having to struggle for themselves and relying on different funders individually and others operating without any form of funding at all. But their role in making access to justice possible to the poor remained eminent as they continued to provide advice on pension benefits, employment issues, eviction, gender-based violence, social assistance and other social justice issues (Namati, 2012).

## **4.5 National Alliance for the Development of Community Advice Offices (NADCAO)**

The collapse of NCBPA meant that the CAO sector was no more represented on the national level. Individually, some CAOs continued to operate with different difficulties including financial challenges. The National Alliance for the Development of Community Advice Offices (NADCAO) started as a project of Black Sash as the latter continued to play a significant role to building security of advice office sector as maintained earlier in this chapter. Stakeholders and funders that were concerned about the collapsed CAO sector decided to form a national structure known as National Alliance for the Development of Community Advice Offices (NADCAO) in 2005 – an organisation that is committed to the



long-term sustainability of the advice office sector (NADCAO, 2013). Dugard and Drage (2013) maintain that NADCAO sees itself as an advocacy and facilitation body that aims to improve and support the CAO sector to ensure its sustainability.

Therefore NADCAO is a not-for-profit organisation that is “committed to the development and long-term sustainability of CAOs and was formed as an alliance of human rights organisations in 2005, supported by several key donors including the CS Mott Foundation, Atlantic Philanthropies and the Foundation for Human Rights (FHR), in response to the limited prospects for the long-term sustainability of the CAO sector in South Africa” (NADCAO, 2013). On the same token, Benjamin (2012) submits that NADCAO’s establishment was aimed at bringing stability to a fragmented, under-resourced and vulnerable sector and to empower it to fend for itself. Benjamin (2012) further sees NADCAO as a unique innovative response to the advice office sector challenges as it is able to bring donors and NGOs supporting CAOs into “alliance based on a joint commitment to share and unlock resources for the entire sector” (Benjamin, 2002:6).

Further, NADCAO works closely with more than 230 CAOs throughout the nine (9) provinces in South Africa (NADCAO, 2012). Each provincial forum is independent and managed by an executive committee which consists of paralegals working within CAOs in the province (NADCAO, 2012). Although provincial forums work within the boundaries of their individual provinces, they together aim to improve competencies of CAOs including code of ethics; quality control procedure; development of paralegal curriculum; securing training opportunities for the sector (Dugard and Drage, 2013). Organising and establishing provincial forums within the CAO sector is one of the milestones that NADCAO has supported (Dugard and Drage, 2013; NADCAO, 2012).

Furthermore, community-based paralegal advice offices throughout South Africa, paralegals in this country provide legal assistance by running human rights empowerment programmes, mediate and negotiate, where necessary, to avoid taking matters to court – as one way to promote access to social justice (International Centre of Policy and Conflict, 2012). Some institutions of higher learning including the University of Kwazulu Natal (UKZN) provide accredited paralegal training and students that have successfully completed this program are awarded with paralegal Diplomas (International Centre of Policy and Conflict, 2012). McQuoid-Mason (2006) submits that the involvement of the UKZN law school has been very

significant because it has given credibility to the program and this has been an opportunity for paralegals to earn a law school credit. McQuoid-Mason (2006) goes on to maintain that most law schools in South Africa have been very instrumental because they continue to provide significant legal education and support services to paralegal advice offices.

## 4.6 Policy Framework: Regulation of paralegals in South Africa

Despite the crucial work done by community-based paralegals, working within the Community Advice Offices (CAOs), there is no law or policy framework regulating or recognising their work. That means, CAOs are operating without formal regulation and there is no prescribed minimum standard of operation or regulatory authority or body to ensure compliance (Dugard and Drage, 2013). Each individual CAO is under supervision of its management committee or Board of Directors that has to oversee adherence and accountability of the organisation in accordance with the Nonprofit Organisations Act No. 71 of 1997. Table 1 below captures the important policies that are deemed significant to this research.

**Table 1**

<b>Policy Framework</b>	<b>Mandate</b>
UN Principles and Guidelines on Aid and Criminal Justice Systems of 2012	Principle 9 (27) submits that a state has to ensure that legal aid provided to persons living in rural, remote and economically and socially disadvantaged areas and persons who are members of the socially and disadvantaged groups.
South African Constitution of 1996	Access to justice will be ensured by making sure that rights enshrined in the constitution are guaranteed.
Legal Service Charter 2007	“seeks to ensure the provision of legal service in an environment that is conducive to effective access to justice by ensuring access to affordable legal service to all; particularly in poor and marginalised communities by providing adequate and proper legal service such as pro bono service, community-based paralegal services, justice centers, advice offices, university law clinics, the provision of community service and by investigating legal insurance.”
Legal Practice Bill [B 20 – 2012]	Seeks “to provide a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives; to regulate the affairs of legal practitioners; to regulate the professional conduct of legal practitioners so as to ensure accountable conduct...”

In fact, the current Legal Practice Bill [B 20 – 2012] as it stands, excludes and does not mention paralegals as playing any role in the justice system. This sparked an outcry from a number of stakeholders including paralegal organisations or those that support the paralegal sector. This development is seen as a major set-back in the access to justice system in South Africa by the paralegal sector (NADCAO, 2013). Although the legal aid offices do exist but community-based paralegals continue to play a crucial role in this regard and thus deserve recognition. On the other side, the Law Society of South Africa, in their submission to the Parliamentary Portfolio Committee on Justice and Constitutional Development about the Legal Practice Bill, saw the exclusion of paralegals in the Bill as a positive thing (Parliamentary Monitoring Group, 2013)

This situation is not unique to South Africa. For instance, Uganda's Draft Legal Aid Bill of 2011, civil society organisations have called on government to consult with the paralegal fraternity if the proposed Bill is to ensure access to justice for the poor (Justice Centre, 2012). Despite the critical responsibility on the community-based paralegals in making access to justice possible to the poor and marginalised people, paralegals are not formally recognised by some governments. This could be one of the reasons why they do not receive sufficient assistance from government to support their paralegal programs. This is common in most African government. The Kampala Declaration on Community Paralegals<sup>1</sup> calls on African governments to recognise the role of community paralegals in providing primary justice services and the need for government to significantly invest in the scale-up of paralegal efforts. A leader from Sierra Leone – Sonkita Conteh – argued at the meeting in Kampala that “government recognition is important for the legitimacy and sustainability of paralegal efforts...” (Namati, 2012:1).

It remains the responsibility of the state to ensure that its citizens have access to legal aid as and when needed. Principle 2 (14) of the Draft United Nations Principle and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012:2) submits that “States should consider the provision of legal aid as their duty and responsibility. To that they should enact

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<sup>1</sup> The declaration follows a meeting in Kampala from 9-11 July, 2012 which was attended by more than fifty paralegal organisations from twenty African countries calling on governments to recognise paralegals. <http://www.namati.org/newsposts/50-african-organizations-adopt-kampala-declaration-on-community-paralegals/> (accessed 23 July 2013).

specific legislation and ensure comprehensive legal aid system is in place that is accessible, effective, sustainable and credible. States should allocate the necessary human and financial resources to the legal aid system.”

So this means that although other stakeholders and social partners may be involved, states remain the primary providers of the legal aid to their citizens. The first providers of legal aid are lawyers, however the United Nations Principles and Guidelines on Access to Legal Aid (2012) also suggest that States should involve a wide range of stakeholders, such as non-governmental organisations, community-based organisations, religious and non-religious charitable organisations, professional bodies and associations, and academia. So it is important that the state provides a conducive environment to making access to justice possible. Thus, policies that will make it possible for stakeholders to support the state if legal aid access is to be realisable.

## **4.7 Access to justice in South Africa**

The majority of people living in rural communities still struggle to access justice. According to Legal Resource Centre (2013) 52% of the people in rural areas are unemployed and most of them depend on government grants for the survival. It is many of such people who face difficulties in dealing with social problems that need legal assistance (Legal Resource Centre, 2013). Among other reasons for lack of justice access, according to Legal Resource Centre (2013), include high levels of poverty especially in the rural areas, lack of infrastructure and state capacity, scarcity of legal skills in remote areas, illiteracy and non-adherence to people's entitlements as enshrined in the Bill of Rights and Constitution. So, lack of access to justice is a multi-faceted challenge with many variables that contribute to it. In its Access to Justice Project, the Legal Resource Centre continues to play a critical role in interacting with community-based paralegal advice offices to support them in a way to make a meaningful contribution to addressing the access to justice problem (Legal Resource Centre, 2013).

Further, Foundation for Human Rights (2013) submits that social ills such as poverty, inequality and unemployment are the major threats to South Africa's democracy and this poses a challenge to making sure that poor people know and understand various human rights services. This is critical and seems more of a vicious circle because the already poor and vulnerable people are the same people who have challenges in access the much-need justice system. So, organisations such as Foundation for Human Rights strive to strengthen ability of

the marginalised or excluded people to access their rights through supporting community-based paralegal organisations (Foundation for Human Rights, 2013).

The same way that government is trying to make access to housing, security, water, electricity, school, sanitation and other programmes available to its citizens and as enshrined in the Constitution, access to justice requires similar attention. It should be noted, however, that while it is the responsibility of government to ensure that access to justice is possible to its citizens irrespective of their geographic location or social status, other social partners such as non-governmental and civil society organisations also need to play a crucial role in this regard. But at the same time, government has to create a conducive environment for access to justice to be realisable. The contention, however, does not deny the fact that South African government does provide access to justice through institutions such as Legal Aid South Africa. This is in accordance with the United Nations Guidelines on Legal Aid in Criminal Justice Systems. But how accessible are the legal aid offices in South Africa? Who has access to them? Where are they based? It is a fact that most of these offices are based in urban and semi-urban areas which is resident to very few poor people.

The UN Principles and Guidelines on Aid and Criminal Justice Systems (2012) recommends for the support of alternative models of legal service which include university law clinics, NGOs, paralegal organisations which are key in provision of basic legal advice in rural and economically and socially disadvantaged areas.

#### **4.7.1 Institutions that promote Access to justice**

##### **4.7.1.1 Department of Justice and Constitutional Development**

The vision of the Department of Justice and Constitutional Development is “A transformed and accessible justice system that promotes and protects social justice and the rule of law,” (Department of Justice, 2013). Speaking at the public lecture at the University of Fort Hare in July 2013, Minister of Justice, Jeff Radebe, maintained that access to justice concept includes the restructuring and sufficiently capacitating and developing small claims courts, community and traditional courts (Department of Justice, 2013). It can therefore be assumed that most cases when government talks of access to justice, there is a link to infrastructural development and resourcing the courts and less or no emphasis on capacitating and

meaningfully recognising the role of civil society organisations within the access to justice sphere.

#### **4.7.1.2 Legal Aid South Africa**

Another significant institution in the access to justice is Legal Aid South Africa. The role of Legal Aid is to “provide professional legal advice and representation to those who cannot afford it...[and] help as many poor people as possible, including vulnerable groups such as women, children and the rural poor” (Legal Aid South Africa, 2013). It remains critical however, on the accessibility of Legal Aid South Africa given that majority of those vulnerable, rural poor people are based in the remote areas. How many offices of Legal Aid are based in the poor areas? Simply when one goes to the Legal Aid online directory in their website, the physical address of their field or branch offices is in urban or semi-urban areas. ([http://www.legal-aid.co.za/?page\\_id=359](http://www.legal-aid.co.za/?page_id=359))

There are other civil society and grants-making organizations that are non-governmental and offering significant support to those working towards making access to justice realizable. However, they fall out of the scope of this research.

### **4.8 Financial and Management Challenges facing CAO sector**

Finances form an integral part of any organisation. So, it is one of the objectives of this research study to assess the funding and management constraints faced by the Community Advice Office sector. Although there is dearth of literature that is specific on the financial and management challenges of these organisations in the paralegal sector, but it is worth mentioning that CAOs, like many NPOs, are faced by such challenges especially during the recent global recession. Hendricks (2012) submits that the challenge facing many not-for-profit organisations (NPOs) is that of financial sustainability which involves an organization’s ability to remain sustainable despite the environment or rules that govern NGOs. It is a fact that most NPOs rely heavily on donor funding for their survival, so their sustainability was under threat after most donors cut their funding. The paralegal sector is no exception to this common challenge.

According to McKay (2012) donor funding tends to be restricted temporarily, and conditions attached for many organisations running paralegal projects. The multi-year funding and funds from donors tend to be “scattered and ad hoc with few applying a long term comprehensive

approach to paralegal or legal empowerment programs. Hence the issue of sustainability lies at the very crux of paralegal programs” (McKay, 2012:1). Lack of funding makes work very difficult for CAOs because it adversely affects both the operation of the office and its service delivery. One of the challenges that Legal Resource Centre (2013) has identified is that dreadful financial situation which most community-based paralegal advice offices find themselves in is directly felt by the rural communities which are recipients of their service. Thus, for instance, “advice office staff does not have telephone, fax machines or even stationery” (Legal Resource Centre, 2013:2). The financial challenges confronting CAOs are felt hard in the already marginalised and poor communities that they serve.

Concerned organisations, McKay (2012) notes, recommended that cost recovery mechanisms have to be considered and perhaps adopted if the sector is to be sustained. Thus, this concept means that clients and communities will be asked to make a financial or in-kind contribution for the assistance provided to them by the paralegals (McKay, 2012). This is more of a social entrepreneurship approach that will assist CAOs obtain some form of assistance from the consumers of their services in order to keep the office running. The advantage of this approach is that the community will develop a sense of ownership of the advice office thus feel that it is their responsibility to ensure that it remains operational through supporting it. But at the same time, will clients without that form of contribution continue to be assisted? Will this not scare them from the office if they don’t have anything? It is quite interesting because CAOs are based in rural communities where income levels for members of such communities are generally very low. So will the office still continue to serve its purpose of making access to justice possible even to the poor?

Further, there is a need to develop a dedicated fund into which donors, government and the business community could “contribute without the usual temporal and activity restrictions, assisting to curb the risk that donors push for a project in a location where perhaps society is not ready or is not in need” (McKay, 2012:1). This will try to address the problem of accepting donor funds even when conditions attached are not necessarily going to be helpful to the society it targets. In this regard, the bottom-up approach of identifying problems and solutions to the society is still maintained. Thus, if the social problem in a society is domestic violence, then a community-based paralegal advice office will, together with the involvement of local stakeholders and the community, develop programs aimed to curb the problem. Other

than an advice office receiving funds from the donor geared towards HIV/AIDS which might not be the priority social problem in that particular society.

One of the financial challenges facing the sector is that some paralegals work as volunteers or received very little salary. McKay (2012) argues that there is no clear rule or standard on how a community-based paralegal is paid. This is one of the challenges that in fact can demotivate paralegals and those working in the paralegal advice offices. However, it differs from one office to another depending on the availability of funding from the donors. There are some community advice offices that receive funding from donors as they are able to operate despite the general financial challenges. According to Mananda (2011) limited funding is a primary challenge confronting human service organisations in modern day. Mananda (2011) advises that human service organisations, like CAOs, need to work hard to raise awareness on the services that they provide to attract support from stakeholders that are not within the government sphere for funding. Thus, CAOs need to be proactive by informing different stakeholders about the work they do if they are to obtain financial support.

Further, since the collapse of NCBPA, CAOs continued to face a number of challenges including financial constraints. The majority of the CAOs were not receiving funding from government for their daily operations and therefore relied heavily on donor funding for their survival (Dugard and Drage, 2013). That meant that there was a funding dilemma within the South African CAO sector. These days, most international donors prefer to focus on charity and welfare rather than social justice and that continued to be critical for CAOs to secure funding in a sustainable way and most donors would have conditions that their funds be utilized on a specific project rather than daily running expenses or overheads of the CAOs (Dugard and Drage, 2013).

As if that is not enough, one of the challenges that Dugard and Drage (2013) discuss is that most CAOs especially those based in the rural areas struggle with technical requirements of external donors' "onerous proposals and reporting requirements" that can be very hectic to the small, understaffed CAOs (Dugard and Drage, 2013:11). Thus, the proposals require, among others, regular access to technology in order to ease communication with the potential funder; good English; and ability to draw up comprehensive budgets; constant monitoring; evaluation; and considerable capacity to handle such funds (Dugard and Drage, 2013). These are some of the challenges these CAOs were facing and some of them lack expertise to keep



up and meet funding requirements as stipulated by potential donor. Thereby, making it difficult for the poor CAOs to access donor funding. Lack of funding could also translate into poor service delivery of the CAOs because they are not able to do their programmes as they wish.

One of the challenges facing many NGOs today is fundraising. Unlike in the business sector where profits or surplus made is shared among shareholders, non-profit organisations plough funds raised back to their programmes (Kilbey, 2010). But over the years, the global financial environment has been very difficult to NGOs for fundraising. Lotvonen's (2005) study on Social Service organisations in Cape Town revealed that most organisations continued to face fundraising challenges. Thus, a significant 47% of the study participants indicated that lack of fundraising experience was the main challenge (Lotvonen, 2005). Further, lack of fundraising skills and expertise is one of the challenges facing NGOs. Vetten and Khan (2002) found that many organisations have difficulty in developing business plans and proposals and this was because of lack of fundraising expertise within the organisations. Also, Smit (2005) revealed in his research that majority of the respondents had average fundraising skills. Lack of fundraising skills then affects the organisation's ability to raise funds for its operation and programmes.

Furthermore, neo-liberal macro-economic realities have negatively affected the traditional-based human rights approach. Bond and Dor (2003) submit that globalisation and neo-liberal macro-economic policy frameworks such as New Partnership for Africa's Development (NEPAD) has failed to support progressive civil society organisation that have traditionally provided rights-based advocacy with basic needs as human rights at the centre. Instead NEPAD promotes "market-related strategies and privatised infrastructure with respect to basic infrastructural services" (Bond and Dor, 2003:27-28).

Further, Ncube et al (2012) argue that the African National Congress-led government that took power post-apartheid adopted neoliberal policies to economic development to correct the injustices of apartheid. Macroeconomic policies together with "political stability had positive effects on investment and GDP growth" (Ncube et al, 2012:1). However, poverty and inequality remained entrenched with majority of South Africans left vulnerable – high unemployment, low education standards etc, (Ncube et al, 2012). Thus, globalisation and adoption of neoliberal policies had negative impact on social justice areas that affected

majority of the poor South Africans. Hamm (2001) submits that the neo-liberal economic globalisation has continued to threaten social justice and this has had negative impact on human rights and thus this needs stronger and committed consideration.

Ajam (2009) submits that NGOs in South Africa are feeling the effects of global financial recession with many finding themselves having to close their branches especially in poor communities if they do not receive substantial funding in the next months. Ajam (2009) cites director of Southern African NGO Network (Sangonet) David Barnard as saying that funders are not going to be able to assist NGOs anymore because they themselves are not coping with current recession with welfare organisation being negatively affected and could be forced to close down or their staff leaving the NGO sector. Ajam (2009) also cites national director of Child Welfare South Africa as saying that recession has affected their charity drastically and if they stop service more than 2 million children, their families and communities across the country would be affected. Ajam (2009) cites Treatment Action Campaign has having announced that it will be retrenching 20% of its staff due to funding shortfall as funders have already mentioned to the organisation that they will be reducing funding significantly.

## **4.9 Conclusion**

The role played by Community Advice Offices in South Africa remained eminent as they joined many others activist ‘forces’ that stood up against apartheid. CAOs are strategically positioned within communities especially the poor and rural ones to continue to legally empower members of societies. Despite transition to democracy, access to social justice remains a problem in South Africa. This chapter has highlighted that government’s legal aid service is supposed to offer legal support and assistance to every citizen. But are their offices accessible to everyone including the poor living in rural areas?

Therefore, CAOs remained critical drivers of access to social justice for communities and thus remain relevant today. This chapter highlighted that CAOs deal with issues ranging from access to housing; social assistance; debt; labour and domestic violence, among others. Despite the significant work that CAOs in South Africa continue to do, they are not recognised or regulated by any policy framework. The current Legal Practice Bill [B 20 – 2012] excluded the paralegals and this was a major set-back to the CAO sector. As seen in this chapter that other major constraints facing CAOs included financial and management

challenges that affected their operations and to achieve the organisational goals. The following chapter will discuss the Research Findings of this study.

## CHAPTER 5 – RESEARCH FINDINGS

### 5.0 Introduction

This chapter will present the findings of this research study. The presentation of the data obtained from the field will be done through diagrams or charts and tables, among others to provide a visual picture to the reader. This chapter starts off by highlighting the main themes that the researcher picked up on the findings. Then the population profile will be captured, emphasizing on the background and social conditions that propelled for establishment of the Community Advice Offices. Later this chapter will discuss the findings in more detail stressing on the management; staffing; financial challenges; service delivery programmes; and perception of the directors' on sustainable and Legal Practice Bill [B 20 – 2012]. It will be concluded in this chapter that although they continue to make a huge impact in communities, CAOs sustainability remained critical without significant long-term funding support. All the 20 selected participants participated in this study and that made the response rate to one hundred percent (100%).

### 5.1 Themes

Table 2 below captures the themes picked on the findings of this research.

**Table 2**

Category	Themes	Sub-Theme
1. Population Profile	1.1 Years of establishment of organisation	1.1.1 In the 1970s 1.1.2 In the 1980s 1.1.3 In the 1990s 1.1.4 In the 2000s
	1.2 Reason for establishing organisation	1.2.1 To voice out against apartheid injustices. 1.2.2 To help community members on labour disputes with their employers. 1.2.3 To educate community on human rights. 1.2.4 To assist community members on social ills such as social grants; domestic violence; unemployment; housing etc. 1.2.5 To assist poor people on legal matters.
	1.3 Service Offering	1.3.1 Paralegal advice. 1.3.2 Human rights education. 1.3.3 HIV/AIDS awareness. 1.3.4 Youth programme. 1.3.4 Consumer campaigns.

	1.4 Role of director	1.4.1 A manager. 1.4.2 A manager and committee member. 1.4.3 Founding member.
2. Regulatory policy – Legal Practice Bill [B 20 – 2012]	2.1 Implications of the Bill to community	2.1.1 Community would be denied access to justice. 2.1.2 Government was disappointing its own people who fought for freedom. 2.1.3 Community did not care. 2.1.4 People would not afford private lawyers.
	2.2 Implications of the Bill organisation	2.2.1 CAOs would close down if not recognized in the Bill. 2.2.2 CAOs would continue to work without regulation. 2.2.3 Directors believed government would include paralegals in the Bill.
3. Financial Issues	3.1 Financial challenges	3.1.1 Been operating without funding for years. 3.1.2 Government was not supporting advice offices. 3.1.3 Government stopped funding. 3.1.4 Party politics within government affecting service delivery. 3.1.5 No financial policy
	3.2 Organisational Financial Sustainability	3.2.1 Future unknown 3.2.2 Government should financially support organisation. 3.2.3 Organisation going to close down because of no funding. 3.2.4 Not sustainable. 3.2.5 Organisations would still survive without funding, they were used to it.
	3.3 Fundraising	3.3.1 No fundraising strategy. 3.3.2 Communities were poor so they would hardly give. 3.3.3 Business community supporting organisation. 3.3.4 Had not tried requesting funds abroad. 3.3.5 Management Committee not fully committed. 3.3.6 Management Committee helped with proposal writing.
	3.4 Implications of Recession on organisation	3.4.1 Retrenching of staff. 3.4.2 Cutting programmes. 3.4.3 Donor funding reduced.

	3.5 Implications Recession on community	3.5.1 Limited access to justice. 3.5.2 Backlog of cases because people lost their jobs and demanded UIF. 3.5.3 More cases on debt; labour.
4. Management	4.1 Board of Directors' involvement in running of organisation and fundraising	4.1.1 Involved. 4.1.2 Not very involved. 4.1.3 Not all attend meetings. 4.1.3 Board of Directors need training.
	4.2 Staff members	4.2.1 Committed. 4.2.2 Attend trainings. 4.2.3 Leave because organisation cannot afford salaries. 4.2.4 CAOs failed to attract volunteers.
5. Importance of organisation	5.1 Making an impact in community	5.1.1 Organisation service was free. 5.1.2 Helping the poor access justice. 5.1.3 Community saw CAO as important. 5.1.4 Government saw organisation as important. 5.1.5 Organisations doing work for government. 5.1.6 Organisations strategically positioned in communities. 5.1.7 CAOs were unique.

## 5.2 Population Profile

The respondents were asked to give a brief background about their organizations, when they were established and the social condition that influenced their establishment. Chart 5.1 below displays the responses of the participants on year in which they were established.

**Chart 5.1**

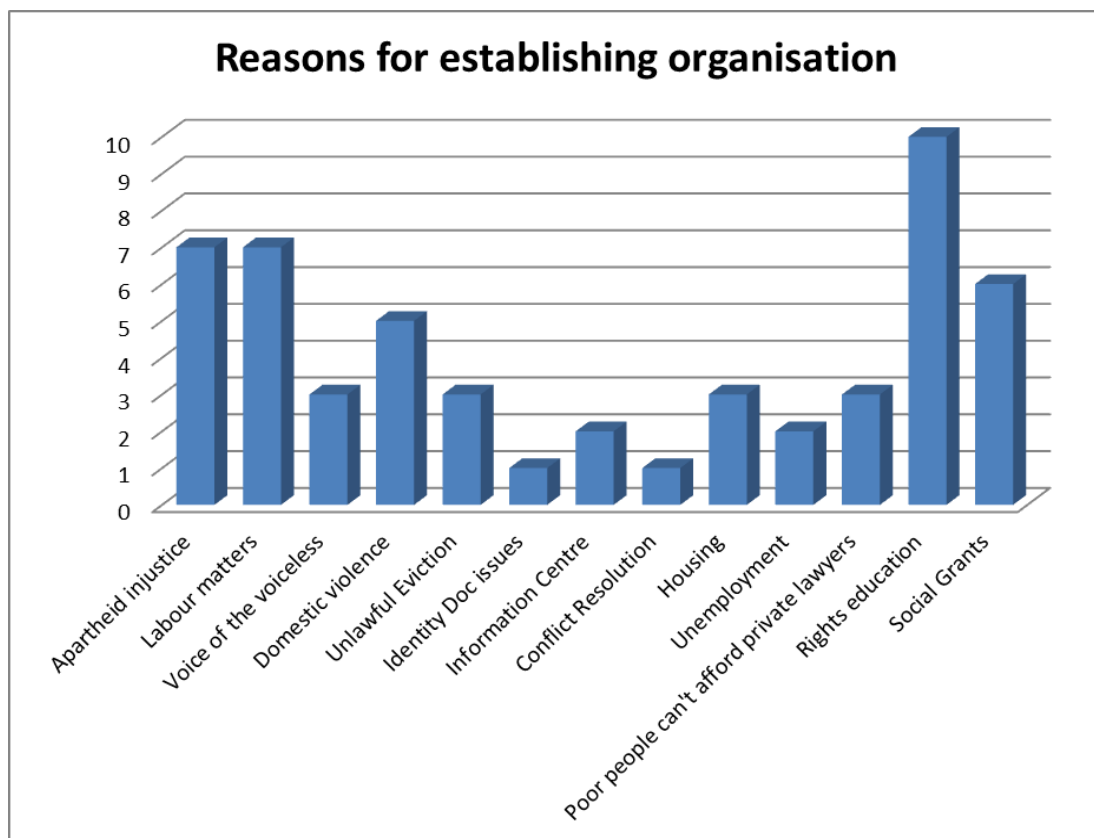
Year of establishment			
Respondent	Year	Respondent	Year
AO1	1979	AO11	1987
AO2	1994	AO12	1994
AO3	1981	AO13	1999
AO4	2006	AO14	1990
AO5	1995	AO15	1988
AO6	1983	AO16	1993
AO7	1996	AO17	2004
AO8	1991	AO18	1989
AO9	1990	AO19	1980
AO10	1960	AO20	2000

The oldest organization of the 20 above was established in 1960 and over 65% of the organizations were established before the dawn of democracy in South Africa as outlined on Chart 5.1 above. This finding is in line with Dugard and Drage (2013) who argue that most of the CAOs in South Africa were established in the 1960s – 1980s as a response to increasingly oppressive legislation that was imposed by apartheid government against marginalised citizens.

### 5.2.1 Social Condition: Establishment of the Organisation

The social conditions that influenced the establishment of the organizations differ from one organization to another. In most cases, their establishment was influenced by the country-wide or community environment of social ills and problems of the day. So, the organizations emerged as a response to address social injustices affecting citizens and community members. Chart 5.2 below illustrates the reasons of organization's establishment in more detail.

Chart 5.2



As can be seen in Chart 5.2 above the most common reason for the establishment of their organizations was because of the need to educate people about their constitutional and human

rights. It can be noted also that labour matters and apartheid injustices and domestic violence were among the frequent reasons that for establishing the organizations. Other reasons such as unemployment; unlawful eviction; issues around communities' access to identity documents and being voices of the voiceless are also captured in the Chart above. Below are some of the responses the directors provided.

Respondent AO3 argued that,

*“We started in 1980, as a group of 15 activists during the apartheid era. Remember that during those days, black people were marginalised and discriminated. So the organisation became the voice of the voiceless.”*

Respondent AO5 said that,

*“...there was conflict on farms and also in urban areas where we saw that people need help in solving conflicts and from there we sat with other founding members within the area to discuss that we need to get office space and get proper professional service for the people.”*

Respondent AO6 said,

*“Well, in the 1980s...you know that police detained people. Therefore a few concerned people in community got together to form an organisation that could assist and offer legal advice to the family of the detainees. So the office started in 1981 purely to offer legal assistance to the detainees and their families.”*

Respondent AO20 said,

*“People had problems in accessing their social grants, that is why we opened the office”*

All the CAOs were established to address a social condition at that was affecting society at the time. Thus, post-apartheid CAOs were established to deal with social ills of the day. The International Centre for Policy and Conflict (2012) shares the same sentiment that community advice offices continued to educate communities by hosting workshops and raising human rights awareness to legally empower community members on social justice issues. They also mediate to resolve conflict in communities and this discourages going to court.



## 5.2.2 Type of Service Organisation offers

Chart 5.3 below illustrates services offered by the Community Advice Offices that participated in the study. Around 90% of the respondents indicated that one-on-one paralegal advice with the client was the main service they offered at their organizations, whilst areas such as human rights awareness; consumer campaigns; youth programme; and HIV/AIDS programme were the other services areas covered by their organizations although not very frequent. Below are some of their responses.

Respondent AO2 said,

*“In order to remain relevant in community, we have to address community social problems as they cause social injustice. That is why we have HIV/AIDS programme; youth programme over and above our paralegal advice service.”*

Respondent AO17 indicated,

*“...paralegal service is not funded, so we use other programmes to get funding and we do paralegal service within the funded programmes...”*

**Chart 5.3**



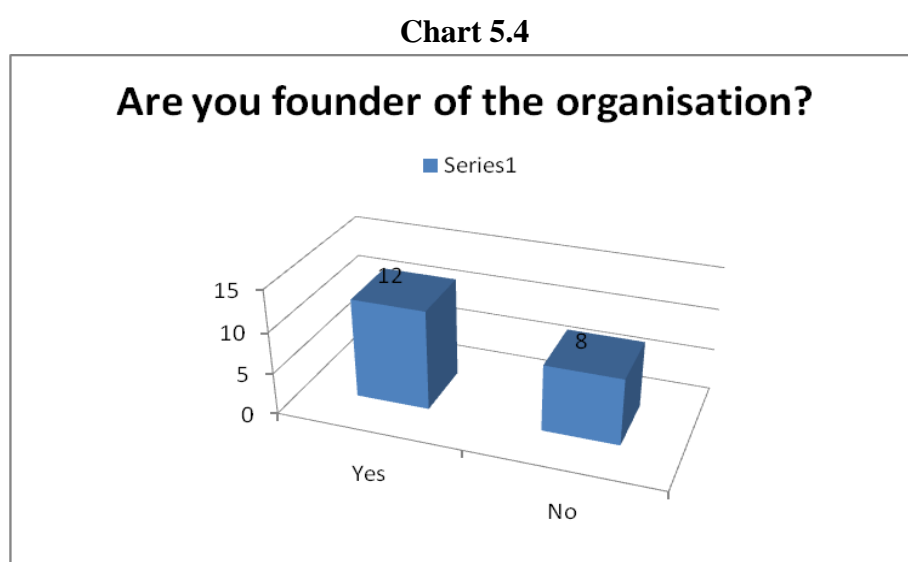
Respondent AO19 said that,

*“...its usually one-on-one session with the client. We don't do group counselling sessions except if we have a group of employees that are having a particular similar problem and they we handle that as a group. But its not very common...”*

The services that each CAO offer differed from one organisation to the other. However, what remained common was providing paralegal advice to members of the community. NADCAO (2012) shares the same sentiment to this finding that CAOs offer paralegal information and advice to members of the community and those who lack understanding and education on constitutional rights.

### 5.2.3 Director being founding member

It is sixty per cent (60%) of the interviewed directors that indicated that they started the organizations, as opposed to 40% of them that highlighted that they were not founding members of the organizations as illustrated in Chart 5.4 below. Respondents were asked to indicate if they were founding members of the organizations.



Below are some of the responses from the research participants.

Respondent AO12 argued that,

*“...the idea for me to go into the advice office came in the early 1990s when I was involved in the liberation struggle to overthrow apartheid. So me and the other community leaders who were activists had a support group to fight against unjust against oppressed...”*

It is evident that majority of the current directors have a link, one way or the other, to the establishment of the organization.

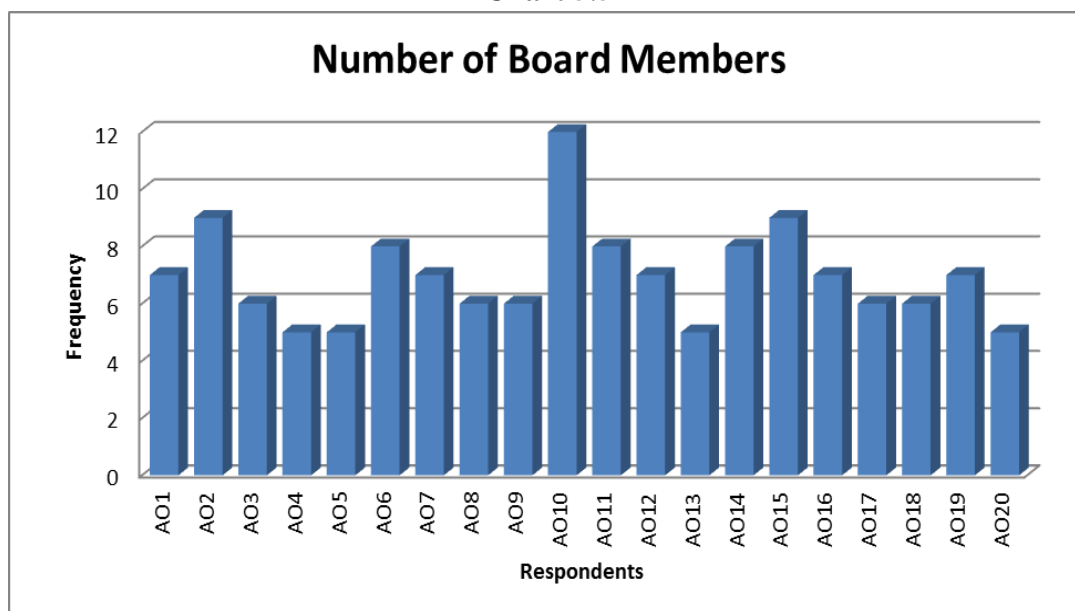
## 5.3 Management

### 5.3.1 Board of Directors

The Nonprofit Organisations Act No. 71 of 1997 as reflected in section 12(3)(g) and (h) that a nonprofit organisation should establish regulatory framework and should be governed by a constitution that sets-out the procedure for nominating, electing or appointing office-bearers; and to define the office-bearers functions (NPO Act No. 71 of 1997). Thus, each organization is supposed to have a governing body whose mandate is to provide leadership and direction to the organisation.

The name of such a governing body differed from one organization to the other. Some respondents referred to it as Board of Directors (BoD or simply Board); whilst the others called it Management Committee (or ManCom); or Executive Committee. So the names will be used interchangeably throughout this research report. All the respondents interviewed indicated that their organizations had a governing body. Chart 5.5 below illustrates their responses.

Chart 5.5



From Chart 5.5 above, 12 is the highest and 5 is the lowest number of Board members in one organisation. The role of Board of Directors is that of providing strategic leadership to the running of the organisation. Having a high number of members of the Board does not necessarily translate into an organization being effective. It should be noted that some of the

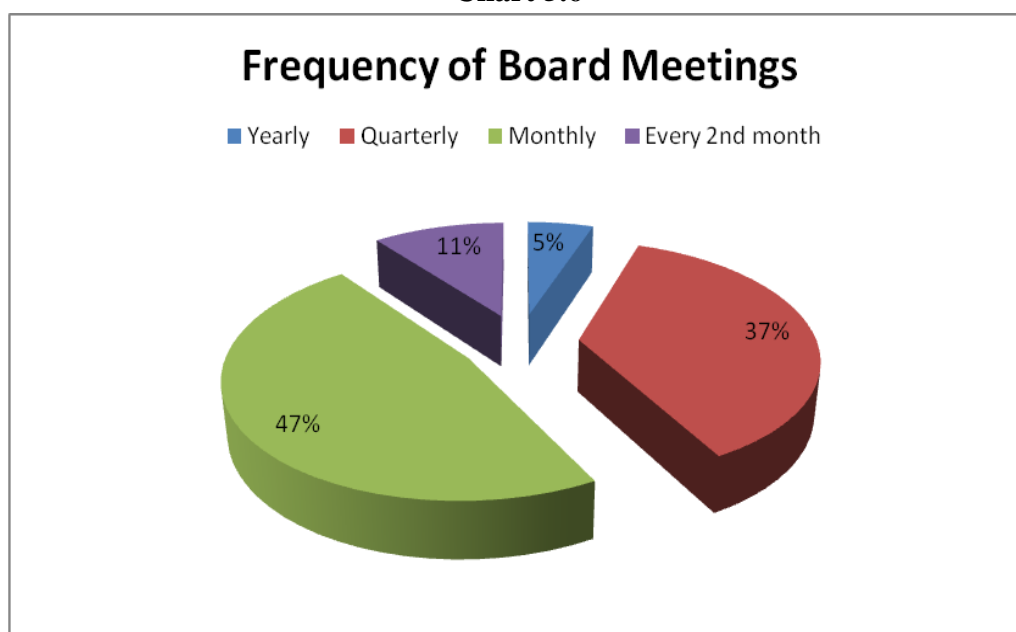
respondents indicated that their Board members were just there to fill the seats as they were not exposed to any kind of leadership training to equip them with skills that would be useful in providing direction to the organisation.

Governing bodies such as Board of Directors or Management Committees play a significant role in governing the organization. Centre for African Family Studies (2001) concurs with this finding by arguing that governing bodies have advisory and executive role and are ‘supposedly’ appointed or elected based on either integrity, skills, commitment, personal qualities or commitment. However, in some instances, governing board members need training on organisational governance in order to enhance their skills in leadership.

### 5.3.2 Board of Directors’ meetings

When asked how often their Boards of Directors met, 47% of the respondents maintained that their Board of Directors met at least once a month, as illustrated in Chart 5.6 below. Although having more meetings does not necessarily translate into good management practices but it is important for a Board of Directors in any organisation to meet timely to oversee the work of the organisation. It is important for newly-elected Board members to be trained in order for them to understand their role and what is expected of them. Only 37% of the respondents argued that their Board of Directors met quarterly, whilst 11% of the respondents said that their governing body met every two months, and finally 5% said that their Board met yearly as illustrated on Chart 5.6 below. This really calls for concern for a Board of Directors meeting just once a year. Below are some of the participants’ responses.

**Chart 5.6**



Respondent AO10 said,

*“...there is 12 Board members...and you will find that at least 8 or 9 arrives for the meeting ...the Board meets frequently, on a monthly basis...just to update them on the progress made on the work that we are doing.”*

Respondent AO15 maintained that,

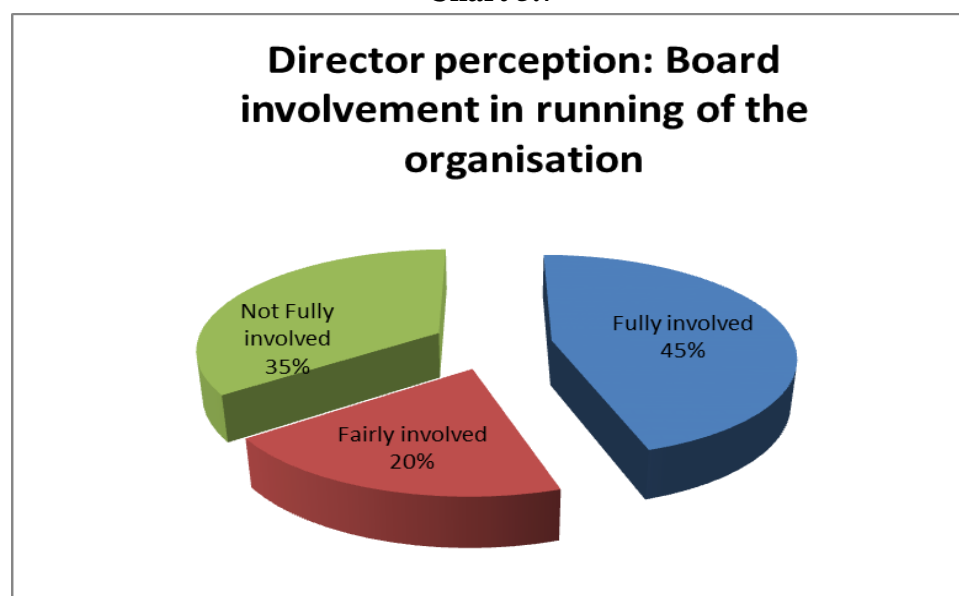
*“We don’t have funds to meet regularly, we meet once a year. In June...”*

It is common practice for a governing body of an organisation to meet at most quarterly if not more than that. If a board of directors meets once a year for instance, it may suggest that it is not fulfilling its role of providing strategic leadership and guidance to the organisation. How is the Board then regularly monitoring the progress of the organisation’s work if it meets just once a year? This raises questions on effectiveness of such a Board in taking critical decisions.

### **5.3.3 Involvement of the Board in the running of the organization**

The Chart 5.7 below indicates that 45% of the respondents submitted that they view their Board of Directors as being fully involved in the running of the organization; as opposed to 35% of the respondents that argued that they saw their Board as not being fully involved and 20% that said their Board is averagely involved. Below are some of the responses.

**Chart 5.7**



Respondent AO1 highlighted that

*“...the committee is ...its only meetings and taking executive decisions. Fortunately for me, I have 3 of members of the committee working their own works from within this centre where we are housed. They have a daily input, for instance if I have to make a crucial decision...I consult with them. So they are involved. The management committee is often within reach.”*

Respondent AO9 maintained that,

*“No they are not involved. That is why I propose that they can have an intensive training workshop so that they can be able to engage.”*

Respondent AO14 submitted that,

*“They are not so much involved you know. Sometimes some of them miss meetings...I occupy the position of chairperson of the committee- ....I am Coordinator of the advice office...yes.”*

Respondent AO18 argued that,

*“The management committee will oversee some of the office work like administration and other things....At our meetings we plan in terms of funding and so forth...The chairperson, for example, looks at the funding.”*

Respondent AO20 maintained that,

*“Not fully involved....Myself as the Coordinator, I run around in search for funding, the committee does not necessary have to be that involved on this one.”*

It could be de-motivating for the director whose board of directors is not fully involved in the running of the organisation. One of the respondents indicated that she was Director of the organization and also served in the management committee as Treasurer. This could mean clash of interests and responsibilities as she was a referee and a player at the same time. Who then plays an oversight role within the board of directors to ensure that financials are in order?

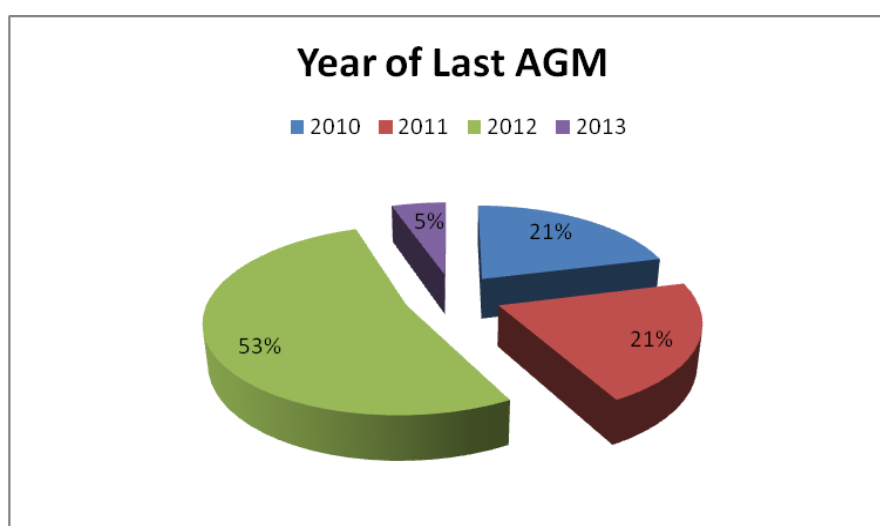
### **5.3.4 Annual General Meetings**

Respondents were asked as to when last they had their Annual General Meeting (AGM), Chart 5.8 below illustrates their response. Fifty-three per cent (53%) of the respondents

indicated that they last had their Annual General Meeting (AGM) in 2012, as displayed on Chart 5.8. At least 5% of the respondents have already had their AGM this year, whilst 21% of them had theirs in 2010 and 2011 respectively.

It is important for every organisation to have AGM annually, as per the Nonprofit Organisations Act No. 71 of 1997 and the organisations' constitutions. It is a indication of ineffective management and governance for any organisation not to have their AGM on annual basis. How does an organisation operate without being held accountable and reporting to the people it serves? How does it even go for more than 12 months without having a general meeting?

**Chart 5.8**



### **5.3.5 Number of Staff Members**

The number of staff members ranged from one Community Advice Office to another. As will be seen in the Chart 5.9 only one organization that had more than 4 staff members (which was 16 staff members). The rest had between one and 4 staff members. It should be noted that these are small organizations that run at small budget and some of the respondents indicated that they could not afford many staff members.

Respondent AO7 says,

*“You can call us 3 volunteers. We are also members of the management committee and we can’t be considered to be staff because we are not being paid. So the concept of staff does not appear because we open this office as management.”*

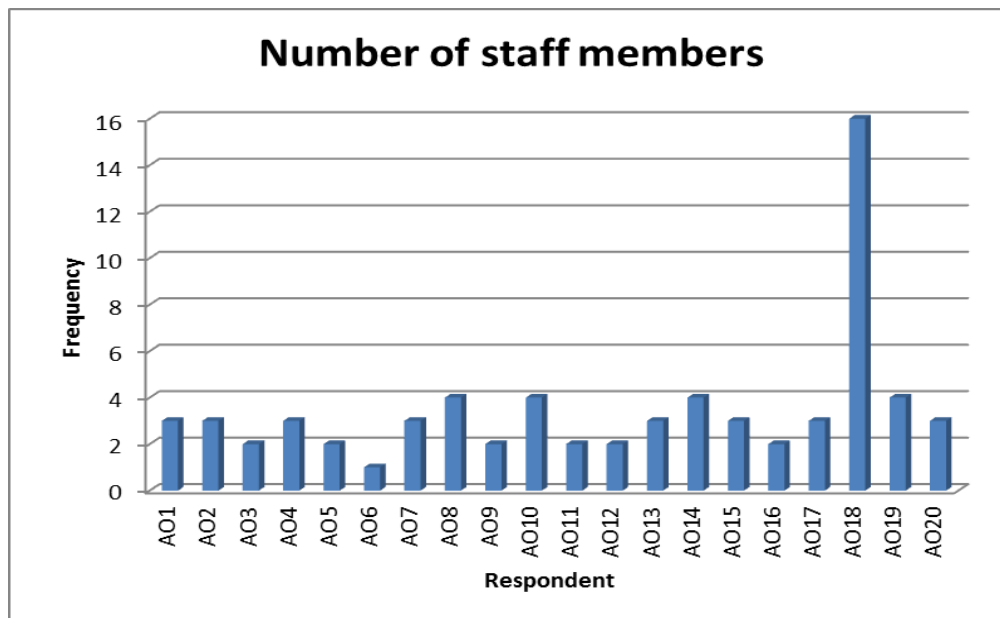
Respondent AO10 maintains that,

*“...there is 4 staff members. Me as the manager; there is Administrator; Training Officer; and the Advisor. We also have 2 volunteers who are always on the field...working in hospitals; police stations and all that.”*

Respondent AO18 submits that,

*“We have 16 staff members, when we started it was only one person working here from 2002/03...we then expanded with the developments within the office itself. We have this new project now of the ECDC which has 8 educate teachers.”*

**Chart 5.9**



The number of staff members can be used as a measure of the size of the organisation. Generally, CAOs are small organisations that have 1 to 4 staff members, with the exception of one CAO that had 16 staff members.

#### **5.3.5.1 Length of having same staff members**

The most frequent length in years the same staff members had stayed in the organization is 3 years, whilst months less than a year is the shortest number of years as illustrated in Chart 5.10 below. Interestingly, there were respondents that indicated that they have had same staff members as long as 31 years in the organization.



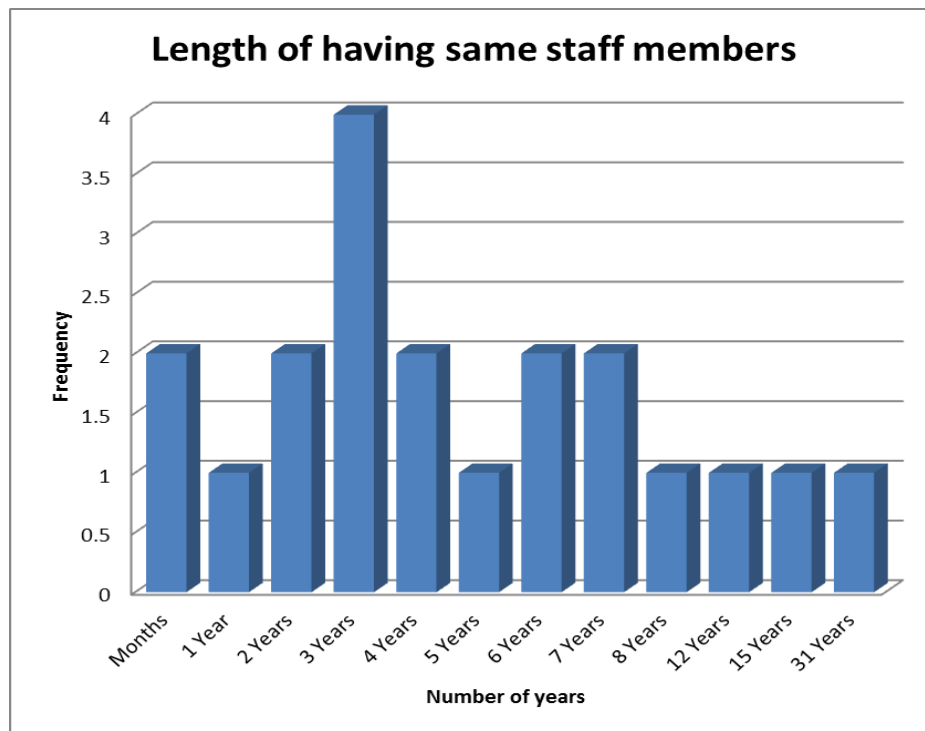
Respondent AO5 said that,

*“Its one whom we had for over a year now. But there is one who has been here for more than 15 years but she is no more with us. That is that, we don’t chop and change staff members. We wish we had many staff members. But financially that is not the case.”*

Respondent AO7 submitted that,

*“The ones I had have left for better opportunities...I tell them that, ‘the money that you earn is not going to justify the work that you do in the advice office...if you feel the need to look for greener pastures, its fine. By all means do that because we cannot afford a salary for you because of the financial constraints’”*

**Chart 5.10**



Respondent AO11 argued that,

*“Its about 2-3 years now...because of the challenge of funding. We don’t always have money to pay them so sometimes we ask them to work 2 times or 3 times a week.”*

Respondent AO16 maintained,

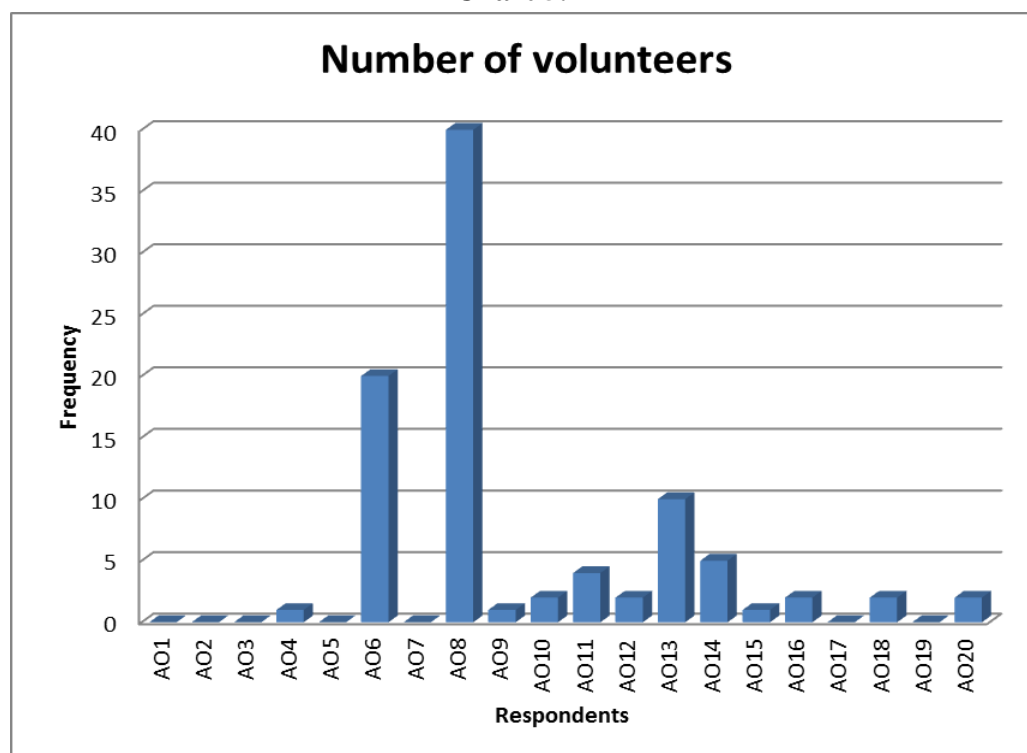
*“...its almost 3 and a half years now...they are still happy although sometimes they had to work for free because of lack of funds, but they were still happy.”*

Having staff members staying with the organisation for as long as between 5 years to 31 years could mean that they were motivated and that could be seen as good management. That is, when staff members are either happy or motivated a work, they are likely to be productive and hence the organisation becomes effective in achieving its organisational goal.

### 5.3.5.2 Number of volunteers

Despite the much-needed service that these organizations offered within their communities, most of them failed to attract volunteers. As can be seen from Chart 5.11 it was only one organization that had as many as 40 volunteers followed by one that had 20 and the other 10. A significant number of organizations had less than five or no volunteers as illustrated in the chart below. After the chart, study participants' responses are cited.

**Chart 5.11**



Respondent AO2 submitted that,

*“In terms of confidentiality, we can’t accept people coming here and doing filing.”*

Respondent AO6 said that,

*“Well, we had a group of volunteers...the last group was from UCT...the Law school there. The problem with them is that once exams start they are unavailable. So the cases they were*

*attending are lying down here and you have to take over again when they leave. Their unfinished cases. So that is not such a good idea.”*

Respondent AO11 argued that,

*“...honestly I don’t believe in volunteering...because these days you must take something home especially making use of the youth. They need something...they need money.”*

Respondent AO8 maintained that,

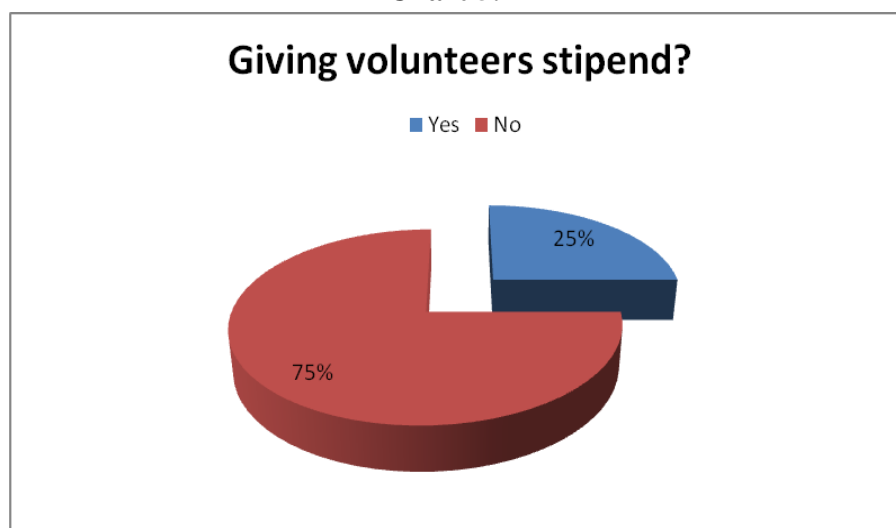
*“You see, we have an ECDC programme and most of the volunteers are educate teachers...some people just come in and clean the yard on voluntary basis.”*

The aspect of volunteering can be advantageous to both the organisation and the volunteer. Thus, the organisation that had volunteers likely got its work done at minimal cost because there is no salary cost of volunteers to the organisation. At the same time, the volunteer could learn a lot working in an organisation. Sontag-Padilla (2012) concurs that the minute volunteers realise the value and significance of the experience they obtain from volunteering, then they will understand value of spending their time without receiving any payment.

### **5.3.5.3 Giving volunteers stipend?**

Respondents were asked whether they provided any form of appreciation or stipend to the volunteers, only 25% indicated that they provided them with stipend. Whist 75% of the argued respondents that they did not give volunteers stipend as seen in Chart 5.12 below.

**Chart 5.12**



Respondent AO6 argued that,

*“We would like to give them something...but we can’t afford it, unfortunately.”*

Respondent AO8 said that,

*“We give a small amount...sometimes we give them taxi fare so that they will be able to travel in and out of town because our office is based out of town.”*

Respondent AO13 maintained that,

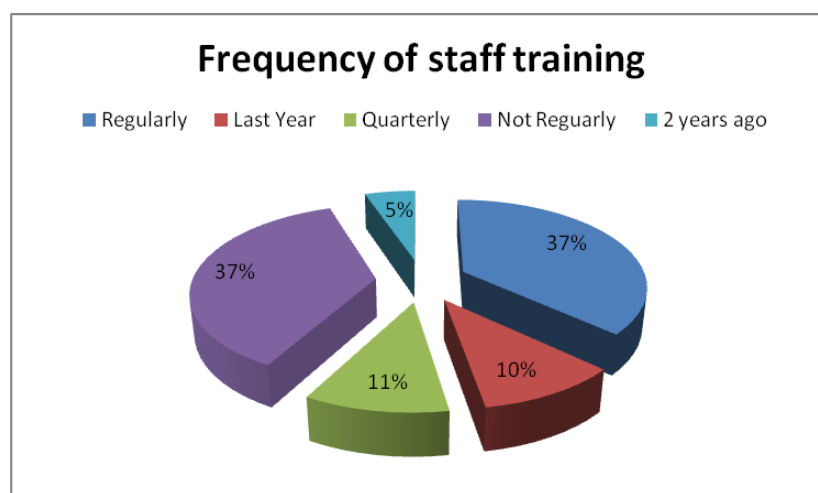
*“I don’t support the idea of working for free idea. People need some motivation. If we have sufficient funds like now, why not give them stipend?”*

Stipend for volunteers is a form of motivation to show appreciation of the time they spend within the organisation and their contribution to the organisational goal. Volunteers that receive stipend are likely to be motivated and hence work with much more commitment.

### 5.3.6 Staff training

It will be seen in Chart 5.13 that 37% of the respondents indicated they were sending their staff members regularly for training. Whilst on the other hand, another 37% of the respondents highlighted that they did not send their staff members very regularly. It was 10% and 11% of the respondents that said they only send their staff members for trainings only last year and quarterly respectively as summarized in Chart 5.13 below responses from study participants.

**Chart 5.13**



Respondent AO11 said,

*“I am actually a paralegal...I have attended some workshops and trainings that we were offered by the law clinic...the University of Western Cape Law Clinic...my Office Administrator needs training...”*

Respondent AO18 argued that

*“Very regularly man. Even on the 18<sup>th</sup> and the 19<sup>th</sup> [of this month] they will be attending a workshop on conflict management. NACOSA will be facilitating those trainings.”*

Sending staff regularly to training capacitates them with new skills to be more efficient and to enhance service delivery. It could be a good motivation for staff and a sign of good governance that is mindful of the limitations of its staff and able to meet them through capacity building.

#### **5.3.6.1 Significance of in-house training**

On the same token, all the respondents shared the same sentiment that an in-house training would be important to capacitate their staff members with necessary skills to carry-out their tasks within the organization. Below are some of their responses.

Respondent AO4 said that,

*“...yes...there is new policies coming on from time to time and one needs to familiarise....So even with myself for having been here for almost 20 years I still need training as well and we all need to update our skills.”*

Respondent AO9 submitted that,

*“Yes, that would be helpful. That is really what we need here.”*

Respondent AO11 maintained that,

*“It’s good to have in-house training because it is less expensive...but in-housing training is ok because you may want to do things within the office.”*

An in-house training might be helpful for staff members. Thus, they would be trained in their own working environment which they are familiar with and less likely to be intimidated, as

opposed to having to attend training at a different training venue. Refresher training would be important and could be less costly.

### **5.3.7 Importance of having a law-qualified personnel within the organization**

All the respondents acknowledged the fact that having qualified personnel with legal background would help their organizations work efficiently. This would address the challenge of limited expertise faced by CAOs and of having to wait for cases to be referred to other institutions. But they maintained that they would not be able to financially afford such a person given his/her educational qualification.

Respondent AO2 argued that,

*“You can’t help the client because you have no knowledge. So, in order to sit in our advice office you need to have at least some basic knowledge or a legal background....Yah, you are right, I would say there is need for legal background”*

Respondent AO6 admitted that,

*“...it is of great need to have such a qualification...a paralegal is somebody who is supposed to have a paralegal background....a diploma or LL.B...But the problem arises with regard to funding to pay that person with LLB here at the advice office. We struggle to pay our own staff, what more someone with LLB?”*

Respondent AO9 said that,

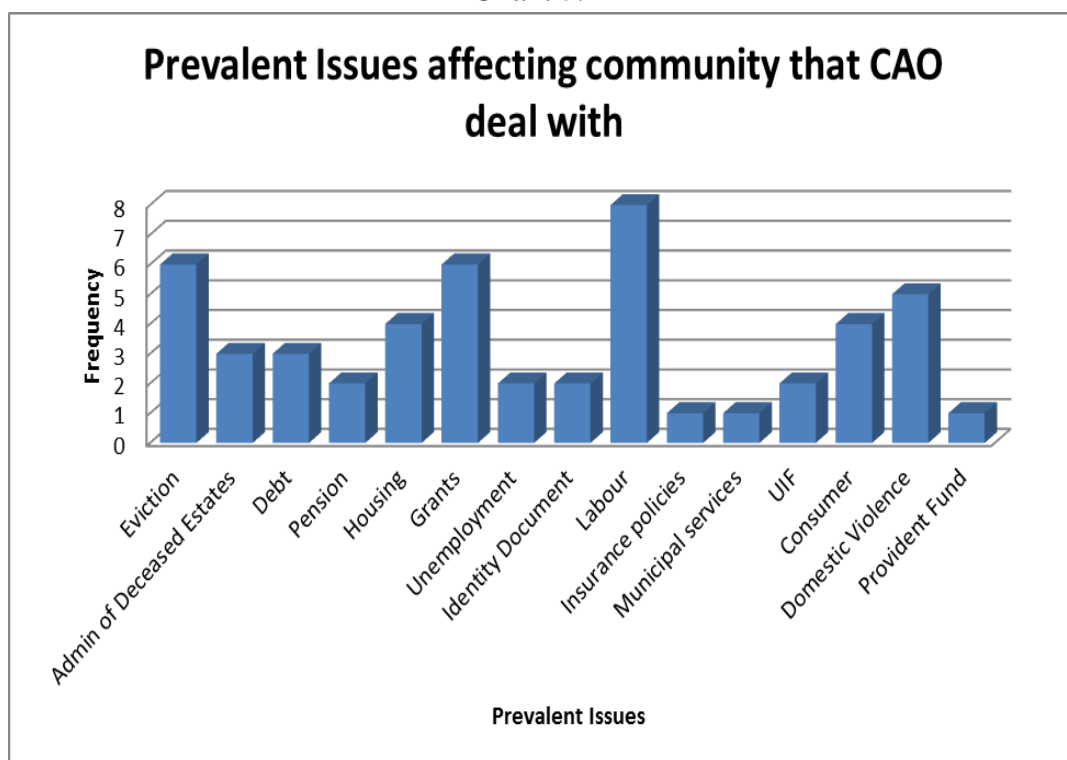
*“Yes, we would appreciate to have someone qualified like that...there is actually a lady from the community here who used to be a candidate attorney then, we used to call her in to assist when I go to the CCMA or to write a legal letter for me.”*

It should be noted that paralegals have limitations of expertise on legal issues. Therefore, having law-qualified personnel within the organisation would be important and could likely improve the way cases were handled within a CAO. However, the main challenge for CAO would likely be the salary cost of a lawyer to an organisation. It would be ideal for CAOs to have at least a lawyer attached to their organisation but most CAO said they did not have financial capacity to afford a lawyer.

### 5.3.8 Prevalent Issues that CAO deal with daily

Labour-related problems; grants; eviction; domestic violence; housing and consumer-related problems were the most prevalent issues that CAOs dealt with on daily basis as illustrated in the Chart 5.14. It should be noted that CAOs that were based in the farmland dealt with mostly labour-related matters between farm-workers and farm-owners. Issues such as unfair labour practices; unfair dismissals; salary matters were some of the problems farm-workers face. Below are some of the responses.

Chart 5.14



Respondent AO11 said,

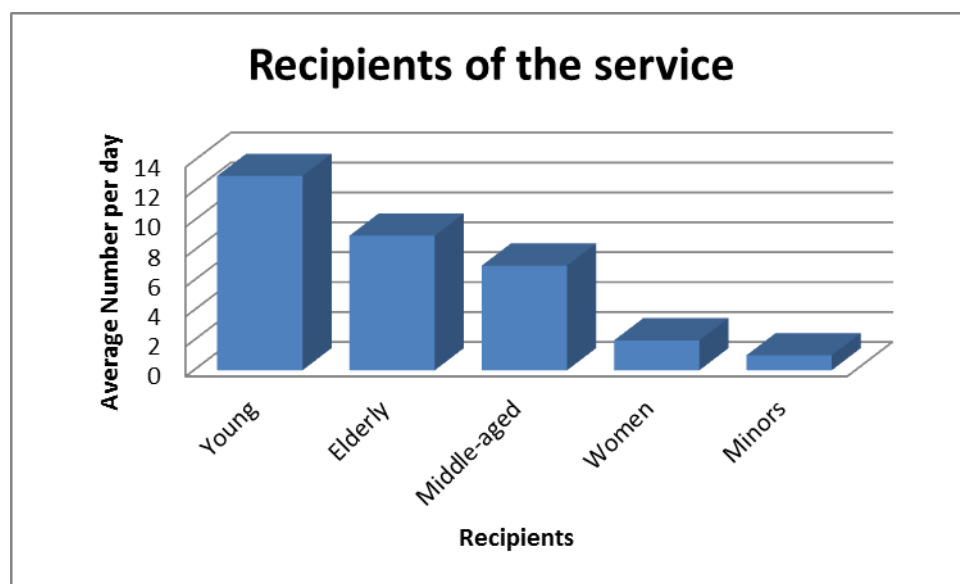
*“most of our clients come in with problems of labour matters; eviction cases; and consumer issues. We have a few farms here and most of the eviction and labour matters come from the farms.”*

Social ills affecting society differ from one area to another and CAOs have been at the centre of such social problems, attempting to address them.

### 5.4.2 Recipients of the CAO service

Young people were the most consumers of the service offered by these community organisations as illustrated in Chart 5.15, followed by elderly; middle-aged; women; lastly minors. The figures differ from one CAO to the other, but in total and average, the chart below illustrates estimate total people and their categories that receive service from the CAOs. It should be noted that the researcher made assumption that the category of people assisted by the CAOs are more vulnerable groups. For instance, women, minors and elderly are often victims of violence, abuse of different forms of violence. This finding showed that CAOs served all age-categories of people within society and not geared towards a specific age group. Therefore, these organisations accommodated more or less everyone within society.

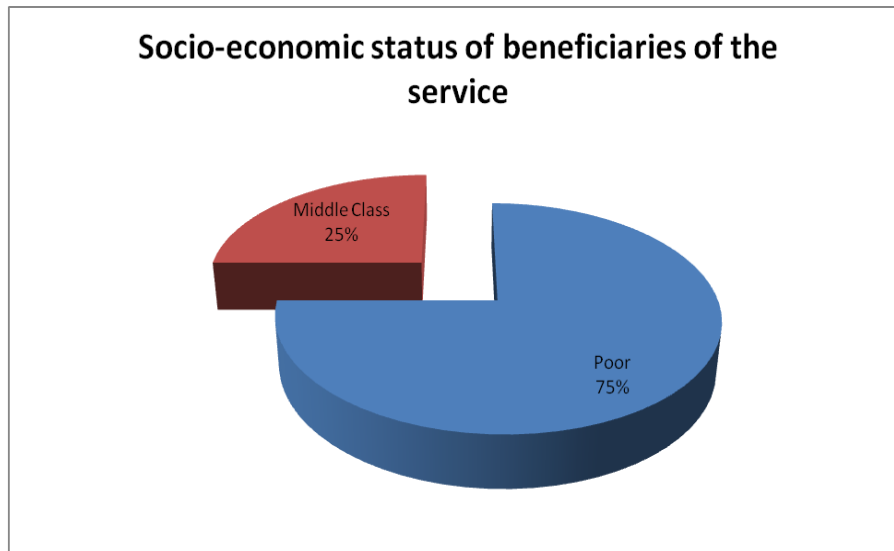
**Chart 5.15**



Asked about the socio-economic status of the consumers of their services, the respondents indicated that around 75% of the beneficiaries were poor people as opposed to the 25% of middle-class people, as illustrated in Chart 5.16. Responses from study participants will be covered below.



**Chart 5.16**



Respondent AO3 said,

*“... mainly the unemployed...the poor. Basically the clientele that we serve is mainly the unemployed...”*

Respondent AO8 said

*“Its people who are below...poor people. A lot of our people is (sic) lower class people who cannot afford private attorneys. We are the first-stop head-on for the people.”*

Respondent AO9 submitted,

*“Mostly its poor people, because the rich one can afford the attorneys, they prefer to go there.”*

Respondent AO18 indicated,

*“...you will never get a rich person come here...even when a rich person comes to the advice office its because they are taking a friend who is poor.”*

The CAOs were strategically positioned within rural communities where majority of poor people resided. Naidoo (2005) shares the same sentiment that CAOs are the primary tier of support and assistance on legal matters to poor people living in rural areas as they struggle to access other forms of legal representation.

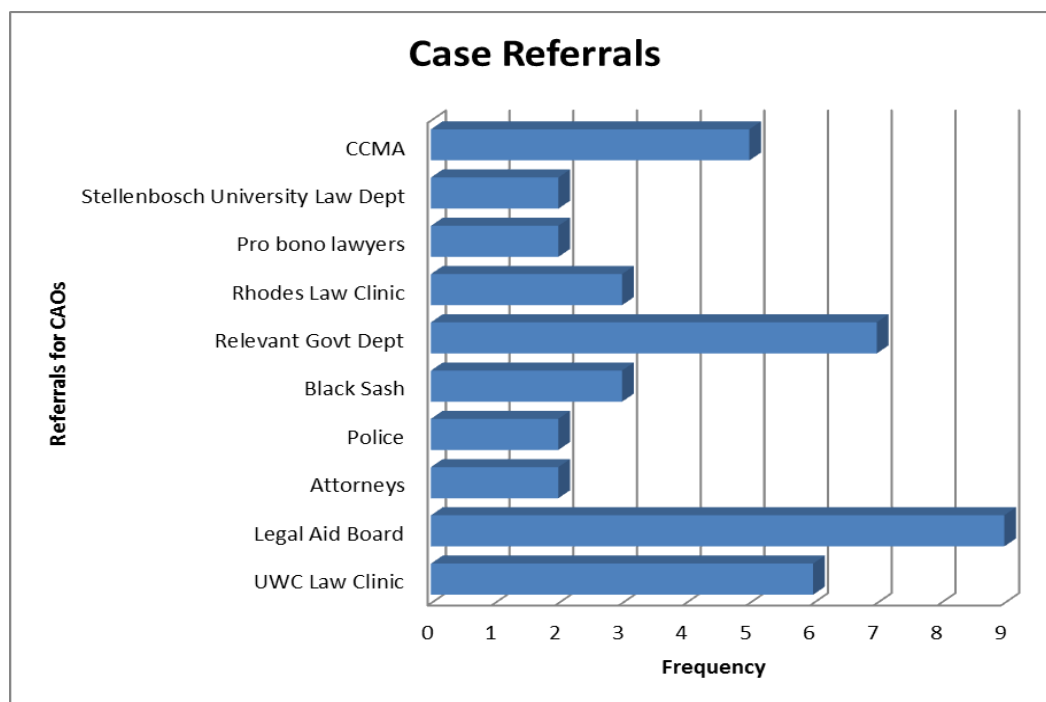
## 5.5 Case Referrals

The Chart 5.17 below illustrates referral institutions for CAOs, which respondents identified they took their cases to for further assistance on areas which they had limitation in expertise. As will be seen in the Chart below, Legal Aid Board; Government departments; University of Western Cape (UWC) Law Clinic; and the Commission for Conciliation, Mediation and Arbitration (CCMA) were the referral points that had the highest frequency. It could also be noted that these small community organizations had a good working relationship with universities of UWC; Stellenbosch; and Rhodes law departments/faculties. There was a small portion of respondents that indicated that they referred their cases to pro-bono lawyers or attorneys, as illustrated in the Chart below. Some of the responses from the study participants are captured below the chart.

Respondent AO7 said,

*“When we are unable to resolve, fortunately for us we have legal back-up. We work with the University of the Western Cape law clinic...they are our legal back-up if the case has to go to court. We have the Legal Aid Board in Bellville.”*

**Chart 5.17**



The fact that where they had limited expertise, CAOs referred their cases; this could be an advantage because CAOs acknowledge their limitation and have points of referral, the same way a clinic refers a patient to a health place with advanced service like a hospital. McQuoid-Mason (2006) argues that CAOs, as primary level of legal support, they play a complementary role to the legal profession and entire justice system in ensuring access to justice to the poor is possible.

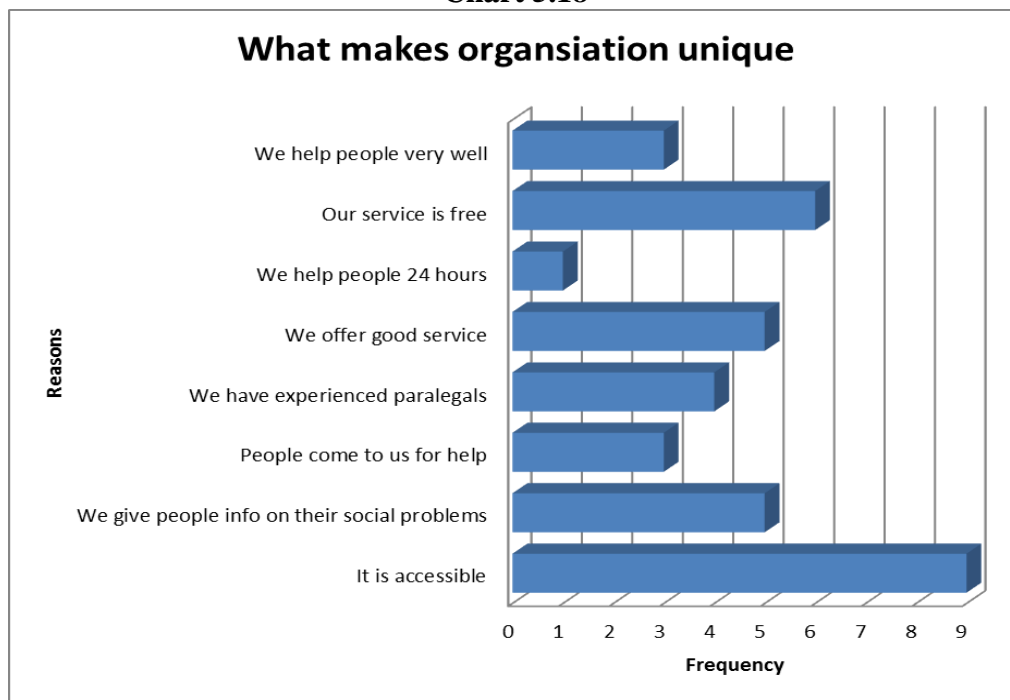
## 5.6 Uniqueness of the organization

The directors of the organizations were asked ‘what makes your organizations unique in community?’ The most common reasons were that their services were free; they were accessible to community; provide information to people’s social problems; and that they offered good service are among the directors’ responses. The Chart 5.18 illustrates those reasons.

Respondent AO3 maintained that,

*“...we are situated at a strategic position to be more accessible to many people. The other thing that makes our office unique is that we are able to assist clients...right here in the office, we can pick up the phone and solve the problem of the client.”*

**Chart 5.18**



Respondent AO11 said that,

*“...we are there...nevertheless whether home or at work or in the street we are able to assist there and then. Whenever there is a person with a problem, we don’t say the office is closed come on Monday, we try to help immediately. So we are always in the community, always available 24 hours a day...”*

Respondent AO17 said,

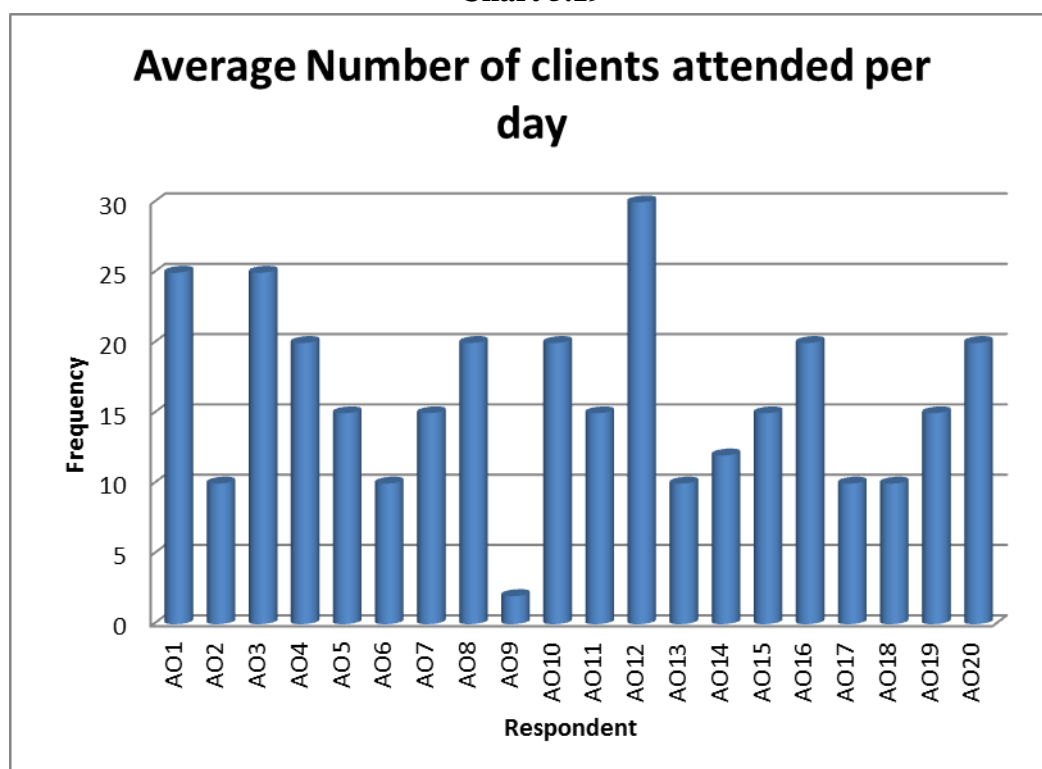
*“...because of the advice we are giving to people...we give them more information and assist them especially with the social problems that they have.”*

It is important for an organisation to feel that they are unique in community. That means they feel special in what they do.

### 5.6.1 Impact of your organization on community

One of the indicators used to measure impact of the CAOs on the communities was the average number of people they served in a single day. From Chart 5.19, 95% of the respondents maintained that their organisations served an average of 10 clients in a single day, with the highest being 30 clients.

Chart 5.19



It was only 5% of the respondents that maintained their organisations served far below 10 members of the community a day, see Chart 5.19. Below are some of the responses.

Respondent AO2 said,

*“Everyday...every now and then we have people coming in here...around 10 people come in on an average day with the problems and it is at this organisation where they are listened to and given crucial advice.”*

Respondent AO9 said that,

*“Look, we are not a very busy office, maybe 3-5 people...sometimes I close because I have other things because here I volunteer.”*

Respondent AO7 said,

*“...it is very important because people know that this is their point of entry where their problems can be solved. If this office closes, you find people coming to your house asking for advice.”*

Respondent AO12 argued,

*“Definitely, otherwise people won’t make use of us, you know. We are an established feature in the community; we serve around 30 people a day. We are in a farmland here and we deal with labour issues on daily basis...”*

Respondent AO16 said that,

*“Look, even when I am at home with my family. I don’t know how many times my phone rings. We serve around 20 people on a good day.”*

Based on the number of clients per day that were served by CAOs, it showed that members of the communities made use of the services offered at the CAOs. Thus, these organisations remained significant to community.

## **5.7 Finances**

Finance forms an integral part of any organisation. It is a fact that most organisations, including CAOs, rely heavily on donor funding for their operation and survival. CAOs have been facing financial constraints of having to operate on a very small budget or even without

any funding at all at times. The section below will discuss the findings on some of the financial issues within the CAO sector.

### 5.7.1 Sources of Funding

National Lotteries; Social Change Assistance Trust (SCAT); and National Development Agency (NDA) were names of the funders that respondents gave while asked who their funders were. Chart 5.20 displays their responses. It should be noted that most of the respondents also indicated that they were not receiving any funding at all.

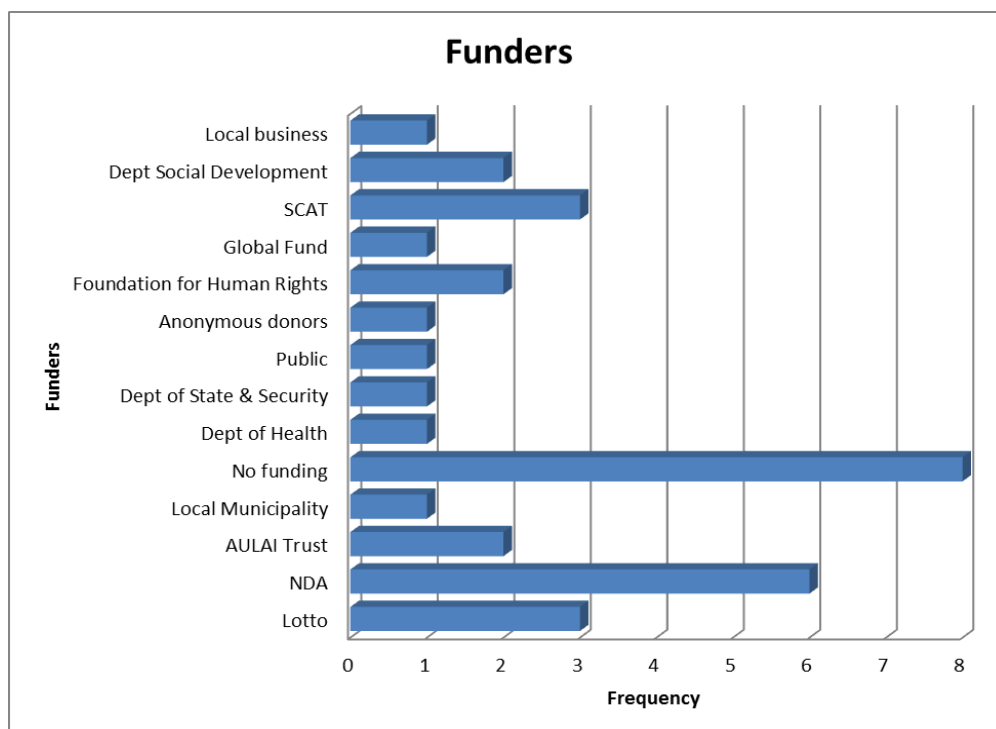
Respondent AO4 said that,

*“At the moment we are not getting funding from anywhere. We are fairly hanging on. We are in arrears in our rent...we have a prepaid telephone account...I volunteer basically. The permanent staff that was here was retrenched because of no funding...”*

Respondent AO7 maintained that,

*“Not much...our main funder is Lotto, about R180, 000 in 3 years, this is year 2 and then we receive say five hundred rand (R500) there for stationery...R500 for something...from anonymous donors. They asked to remain anonymous.”*

**Chart 5.20**



Respondent AO14 argued that,

*“Its SCAT; and NDA for these 10 months. SCAT gives us about R6, 500 a month; NDA is R10, 000 monthly. That’s all. And for the next 3 months that we will be getting from AULAI Trust R10, 000 per month as well for October, November and December this year...”*

In most cases, the funding that advice offices received was in a form of monthly grant from the donor. Many CAOs had to ‘close-shop’ because of lack of funding, whilst others continued to operate with minimal resources from different funding institutions. Dugard and Drage (2013) concur that institutions such as Social Change Assistance Trust; Association of University Legal Advice Institutions Trust; Foundation for Human Rights; Community Law and Rural Development Centre continued to financially support the CAOs.

### **Table 3 – Summary Analysis of audited financial statement**

The researcher was able to obtain only four audited financial statements of four CAOs. They are summarized below. It will be seen from Table 3 below that AO14 was the only one that had a deficit of R4, 556 at the end of 2013/2013 financial year compared to the other 3 organisations having a surplus with AO18 having the highest of R7, 600. This shows that AO14 spent more than its annual income.

**Table 3: Summary of audited financial statements for the year 2012/2013**

1	2	3	4	5	6	7
Organisation	No of Employees	Annual Revenue (R)	Annual Expenditure (R)	Surplus / Deficit (R)	Current Ratio	Fundraising Strategy
AO4	3	90, 568.00	88, 456.86	2,111.14	1.01	No
AO13	3	112, 845.00	111, 987.12	857.88	0.91	Yes
AO14	5	327, 893.00	332, 449.00	-4, 556.00	0.98	Yes
AO18	16	926,050.00	918, 450.00	7600. 00	1.03	Yes

It can be noted from Table 3 above that the ability of each organisation to raise funds differed very hugely with AO18 raising slightly below a million rand compared to AO4 that raised just R90, 000. This could be attributed to the organisation’s ability to fundraise as 3 out of the 4 organisation indicated that they had fundraising strategy.

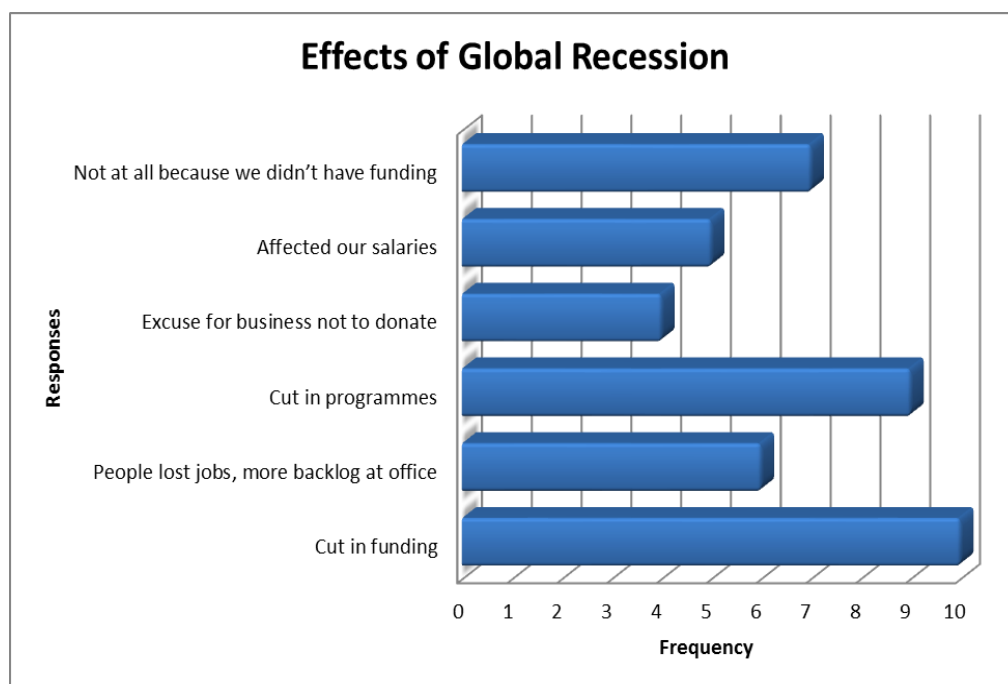
Further, the size of the organisation in terms of staff also differed with AO18 having 16 staff members compared to AO14 that had 5 and both AO13 and AO4 having 3 each.

This research looked current ratio which captures the relationship between current assets and current liabilities by dividing current assets by current liabilities. Smith (2004) submits that a more acceptable current ratio for a business is 1:5 which depicts that the business's current assets should be 1.5 more than its current liabilities. So, all the four organisation's current ratio was below 1.5 with AO18 being the highest with 1.03 and AO13 being the lowest with 0.91. This, however, is not a very bad reflection because if the organisations' current assets could be converted into cash, then they would still be able to pay for or cover their current liabilities.

### 5.6.2 Effects of Recession

Global recession affected different organisations adversely. Chart 5.21 illustrates the effect of global recession within the advice office sector. It will be seen from the chart below that majority of the respondents indicated that cutting in funding from donors; and cutting in their programmes were some of the main implications of the current global recession. Whilst some respondents submitted that losing of jobs by community members was another repercussion of recession. This in turn translated into a backlog of cases in their offices because the same community members came to seek advice and assistance.

**Chart 5.21**





Respondent AO5 said that,

*“The one we used to pay a paralegal R4, 500 and the other R3, 500 a month. But today we are paying a paralegal R2, 500 a month...because nobody is funding us now...only NDA. Donor funding reduced. And that is a problem.”*

Respondent AO6 maintained that,

*“It has affected everybody because people lose their jobs and they can’t afford to pay their debts and then they come here in our office for advice. That has affected businesses here on how they are able to donate...donations cut...”*

Respondent AO9 said that,

*“...it has not affected us very much because I would say we started without funding as the advice office...”*

Respondent AO11 argued that,

*“Since we are already having a problem with funding, we did not really feel the heat of recession.”*

Respondent AO12 submitted that,

*“...we had to retrench 2 staff members...my Administrator and my Training Manager. The funding that was there was only for 2 people.”*

Respondent AO17 argued that,

*“We had to cut our programmes because donors cut their funding.”*

The findings indicated that the recent global recession has had negative impact on the CAOs. Sontag-Padilla (2012) agrees that the economic recession has dramatically influenced trends in donations. This was also supported by a survey of 800 non-profit organisations where by end of 2008, 75% of them submitted that they were severely feeling the effects of the downturn whilst 52% indicated that they are already experiencing cut in funding (Renz, *et al.*, 2010:56).

### **5.7.2 Financial Sustainability of the organisation**

Directors of these organisations were asked whether their organisations were financially sustainable and interestingly, 80% of the respondents indicated that their organisations were not sustainable, as illustrated in Chart 5.22. Lack of long-term funding was the common response given by the directors for not seeing their organisations as not being sustainable. It

should be noted that these organisations relied heavily on small short-term grants for their survival. The responses from the directors are also captured.

Respondent AO3 said that,

*“We don’t know...that is a million-dollar question. We don’t know where the funds are gonna come from...we don’t know.”*

Respondent AO5 said that,

*“Well, I can’t say that its very sustainable because you depend on funders and that is not very helping in a long run because funders give us grant for a year and we don’t know the following year what will happen...”*

Respondent AO8 argued that,

*“...that is an unknown future. Its amazing that each and every year we can open the door from January and continue the service without being certain about funding.”*

Respondent AO9 said that,

*“...we sometimes take money out of our pockets and its difficult. At the moment we have lost the internet connection because we cannot afford to pay the bill....And that is breaking down our service level because we don’t have sufficient funding.”*

**Chart 5.22**



Respondent AO13 maintained that,

*“...that is a critical question. Like I said, we are going to run with NDA until next 5 months. After that, we don’t know what is gonna happen.”*

Respondent AO16 highlighted that,

*“...if government can fund our organisation then we can be sustainable and secure for next 10-15years.”*

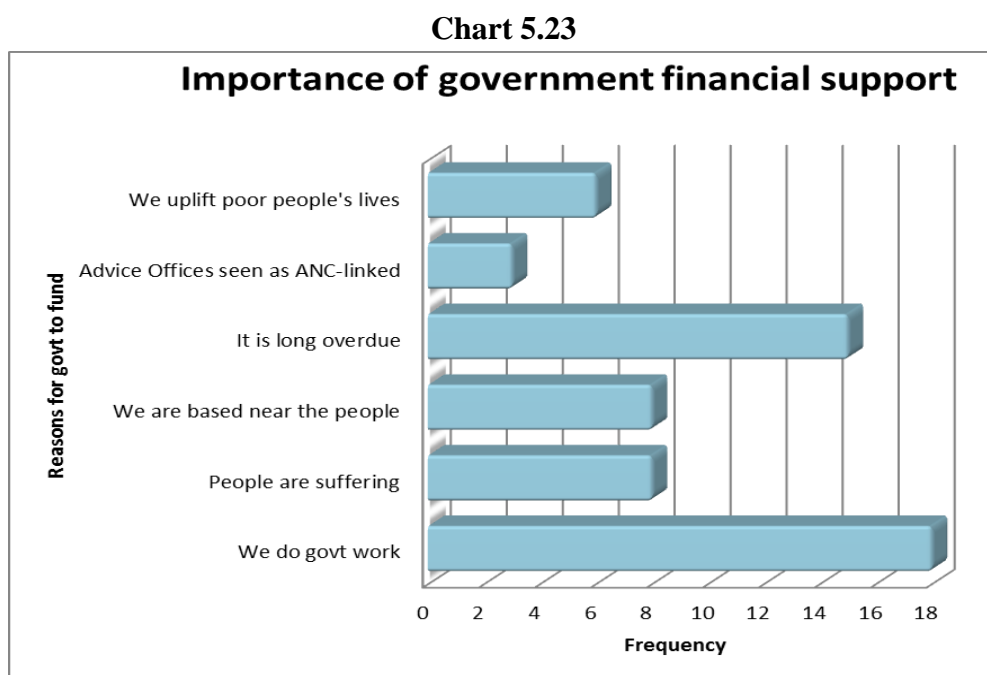
Respondent AO18 submitted that,

*“For now, I would say the organisation is sustainable.”*

The finding indicated that a huge number of respondents maintained that their organisations were not financially sustainable. Sontag-Padilla (2012) concurs with this finding that the major challenge faced by community-based organisation is to fundraise and this puts their sustainability to question.

### 5.7.3 Importance of government’s financial support

Asked about the importance of receiving government funding, majority of the directors, as will be seen in Chart 5.23, indicated that their organizations were doing government’s work of advising people on social justice issues and therefore deserve to receive government funding. Their responses are captured below.



Respondent AO1 maintained that,

*“...government should have been on-board years ago...because the service that advice offices render is exactly the service that government wants the communities to access.”*

Respondent AO4 argued that,

*“...we are doing all the work....we deal with issues on labour-relations; we are doing work for all departments...We are the link for government and community for all government structures...we are saving government a lot of time and work...we are saving the community...we do work on behalf of government and on behalf of the people.”*

Respondent AO9 said,

*“Government can definitely play a role because we do the functions of many government departments. We do their work basically.”*

Respondent AO16 indicated that,

*“If one...someone can be of assistance to bring government on board then I think our office can be secure and sustainable to our community and continue to offer good service.”*

In the absence of donor long-term sustainable funding within the advice office sector, government funding would be important. This finding revealed that CAO directors felt that their organisations as doing work for government and thus deserve to receive support from government in a more sustainable and significant way. Although access to justice remains government’s responsibility, advice offices have not received any meaningful funding support from government.

#### **5.7.4 Fundraising**

In order to enhance their funds, organizations normally have a fundraising strategy that explains how they intend to raise funds over a period of time. Sometimes funding that organizations receive from different donors is not enough to keep the organization operating as it wishes, so fundraising becomes significant.

#### 5.7.4.1 Fundraising Strategy

A significant number of respondents, 40% of the organisations had fundraising strategy as opposed to 45% that did not have the strategy, as illustrated on Chart 5.24. And 15% of the organisations indicated that they were in the process of developing the strategy. The responses from directors are captured below.

Chart 5.24



Respondent AO11 indicated that,

*"...we do try...the last time we had a fundraising activity was last year. It didn't work out so well."*

Respondent AO18 submitted that,

*"...we do have a strategy and have some fundraising activities here. We are doing ok, but we can do better...(laughs)."*

Respondent AO20 maintained that,

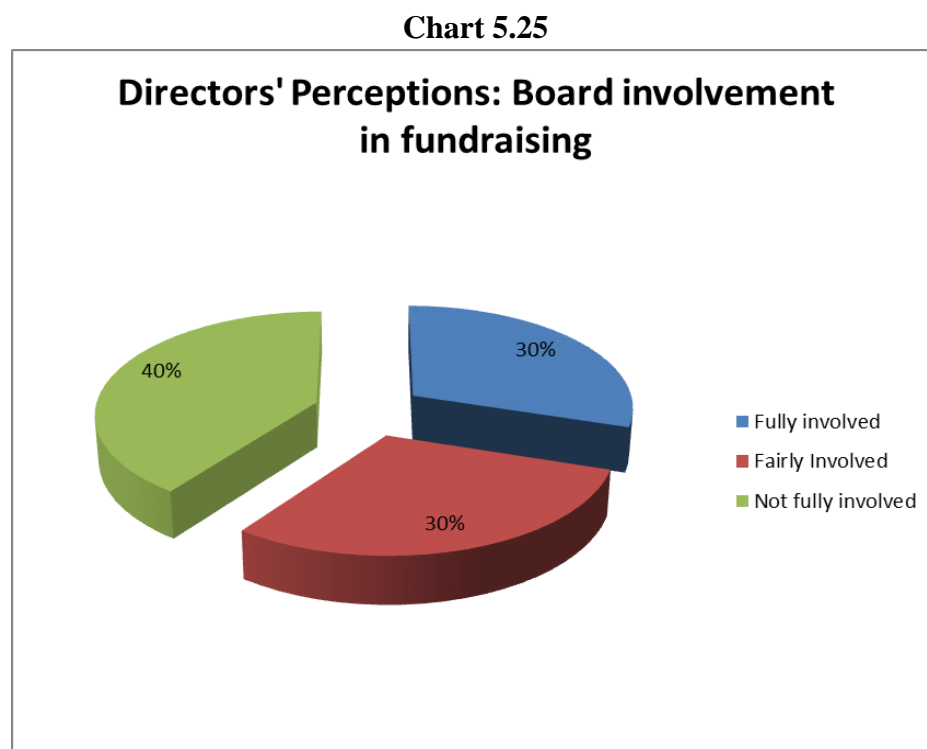
*"No, we haven't done anything like that."*

This finding revealed that 45% of the CAOs that participated in the study did not have a fundraising strategy. This could be the same reason why majority of these organisations found it difficult to fundraise because they did not have a strategy, and likely that they had not done much to fundraise. This finding is supported by Watson (2000) and Fakir (2004)

who maintain that poor leadership and governance and ineffective management within the non-profit organisation; lack of fundraising expertise often poses a serious challenge to fundraising.

### 5.7.5 Fundraising: Board involvement

The involvement of Board of Directors in the fundraising of any organization is very important. Thus, the Board has to provide strategic direction and show commitment to fundraising especially when the organization itself depends heavily on donor-funding for its survival. Chart 5.25 illustrates the perceptions of the directors when asked to give an opinion on the involvement of the Board in fundraising.



Respondent AO1 argued that,

*“...the management committee is the one responsible for raising funds...they need to see that the telephone is in good condition; rental has been paid; and that staff get their salaries and they become efficient in delivering the service.”*

Respondent AO3 said that,

*“The BoD has just started the fundraising committee within itself now to look at the way of raising funds. So the BoD is much aware of the funding crisis and we are meeting to discuss what needs to be done.”*

Respondent AO5 argued that,

*“...they are not fully involved. I wish we had a strong committee...”*

Respondent AO14 maintained that,

*“...they are very much involved. We have a treasurer who is in charge of fundraising. But things like proposal writing is up to us...its up to the staff to do...staff which is me.”*

This finding revealed that 40% of the respondents indicated that their Boards of directors were not fully involved in the fundraising for the organisation whilst 30% indicated that their Board was both fully involved and fairly involved respectively. This finding is similar to Lotvonen’s (2005) study on Social Service organisations in Cape Town that showed that a significant 40% of the respondents indicated that they found fundraising difficult because of lack of support from the governing bodies.

### **5.7.6 Importance of local business to financially supporting the organization**

Although Community Advice Offices provided much-needed advice to the vulnerable and poor in their communities, this study revealed that they were not receiving significant financial support from the local businesses. Some of the respondents indicated that whilst it was important for businesses to support them especially because both of them were serving same members of the community, but nothing tangible has come from the local corporates. Below are some of the responses from the directors.

Respondent AO1 indicated that,

*“I have made letters to Pick ‘N Pay; Shoprite and Spar down the road there, to no avail.”*

Respondent AO7 argued that,

*“Currently the taxi association around here is paying our rent in lieu of them using our office for their meetings once or twice a month.”*

Respondent AO9 said that

*“...like if you have an event, they will not give money but they will give stuff...like food for the event.”*

Respondent AO14 indicated that,

*“...they are very lenient...the businesses...should we be in a position that we don’t have a cent in the banking account, we can easily put it on the letter and say they should perhaps give us a donation. They give...although it’s not all businesses but most of the businesses in our area.”*

Respondent AO15 maintained that,

*“...we hope to...we try to set-up meetings with the business owners but it’s just talk...talk...talk. Nobody committed himself to doing something.”*

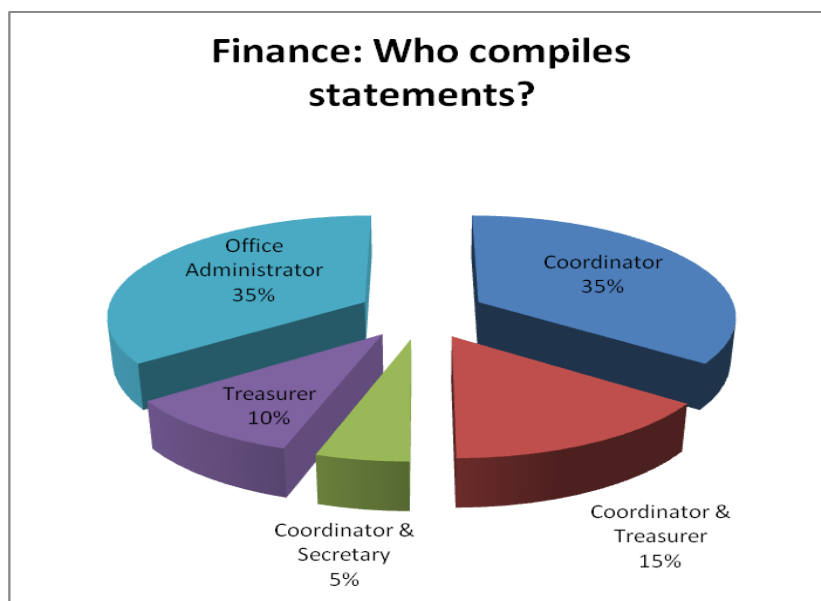
This finding showed that it was difficult for the majority of CAOs to receive funding support from local businesses. It could be argued that CAOs serve low-income households and businesses in those areas were not making much profit to even think of financially supporting other local NGOs, specifically CAOs.

### **5.7.7 Financial Reporting**

Chart 5.26 will show that 35% of respondents indicated that their daily financial recordkeeping was compiled by solely the Office Administrator and the head of the organization – Coordinator. Whilst on the other hand 15% of the respondents argued that they worked closely with the Treasurer, who is a member of the management committee, to compile the statements before they sent them to the auditors. Interestingly, 10% of the respondents submitted that it were Treasurers that solely compiled the financial statements, as displayed on the chart below. It remains critical therefore on how ‘hands-on’ and accountable the managers of the CAOs were if their organisation’s financial statements were left to the Treasurer, who it was understood not a fulltime CAO employee. Below are some of the responses.



Chart 5.26



Respondent AO7 said that,

*“...it is not a difficult thing. It is because we don’t have much of income and expenditure that is going on within our office. Our funding is small and the expenses are very little. So, it’s just in-and-out. Nothing hectic about compiling the report.”*

Respondent AO10 submitted that,

*“Our Treasurer is a Finance Officer where he works. So he is used to this financial things. Last year we didn’t have a lot of money or transactions so it was easy to compile.”*

Respondent AO18 argued that,

*“...we have got a very qualified person. The Office Administrator of the office is also has background in accounting. She does all the accounting part.”*

This finding revealed that there was some level of commitment from Board of directors where they were involved one way or the other in the compilation of financial statements of the organisation. The advantage therefore was that some CAOs were enjoying the financial expertise or support of their Board with organisation’s financials; however, this exposed lack of financial expertise on the side of the organisations themselves. If the board members were involved in compiling the financials of the organisation, who then at board level oversaw the financials of the organisation?

### 5.7.8 Financial Statement

It should be noted that of the 20 directors interviewed, only 45% of them indicated that their organisations had audited financial statements, as opposed to 55% of the organisations that argued that they did not have such statements, as illustrated in Chart 5.27 below.

**Chart 5.27**



This finding indicated that more than half of the respondents did not have audited financial statements. This was an indication of bad management and governance that could be one of the reasons why CAOs were not able to receive significant support from different donors. This finding goes contrary to section 17(1) of the Nonprofit Organisations Act No. 17 of 1997 that stipulates that non-profit organisations need to comply with the generally accepted accounting practices; which could include an organisation having its financials being audited.

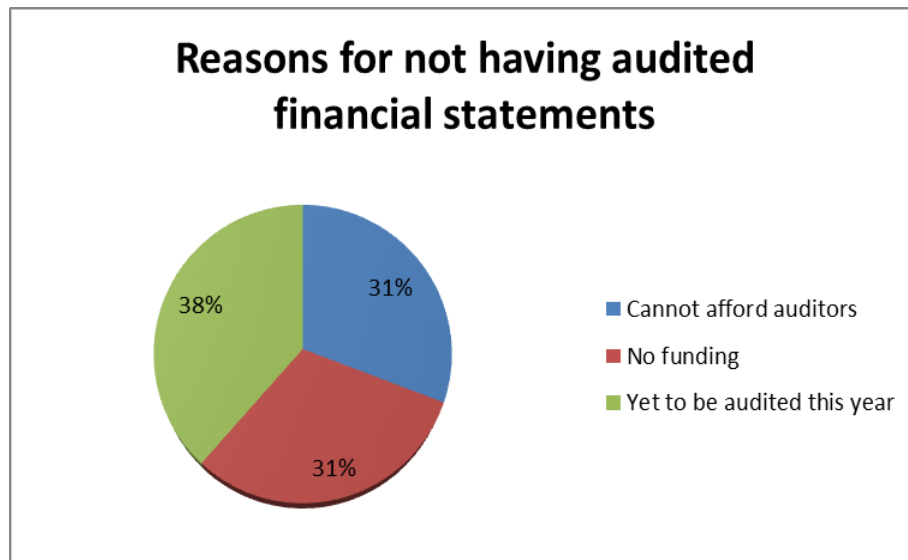
#### 5.7.8.1 Reasons for not having audited financial statement

In finding why some organisations did not have financial statement, Chart 5.28 below illustrates the reasons given by the respondents whose organizations did not have audited financial statements. It will be seen in the chart below that the most common reason (at 38% of the responses rate) was that they were yet to be audited this year because they have gone for years without funding. The other reasons, which respectively constituted 31% of the responses as illustrated on the chart below, is that they either could not afford the auditors or did not have funding. Below the chart are the responses from study participants.

Respondent AO5 submitted that,

*“No, we don’t have the audited one. The auditors charge like R5, 000 to do your books and we have next to nothing. We cannot afford to pay our auditors.”*

**Chart 5.28**



Respondent AO12 admitted that,

*“...the organisation was operating without funding since...since 1995...without any funding at all...”*

Respondent AO16 argued that,

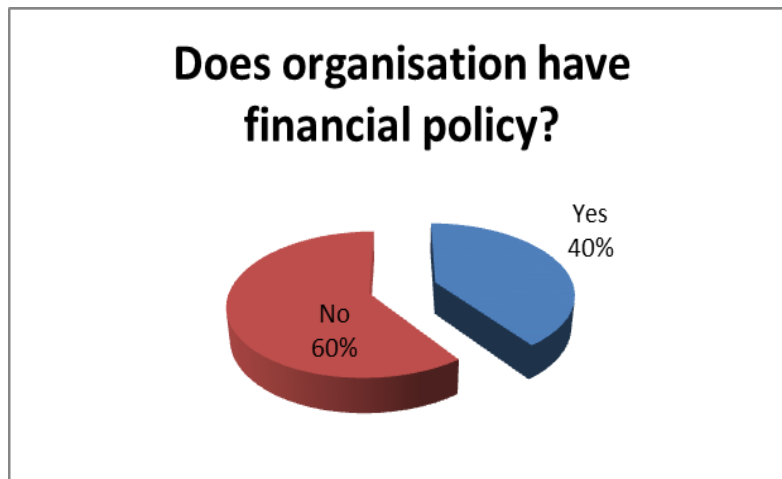
*“...the income and expenditure statement...maybe it is irrelevant man for the moment...we don’t have expenditure...because that bank account of ours cannot remain active if we don’t have income. But at least there is a Councillor of the Ward...to keep our bank account still active, he donates R150 every month...to keep our account going...because if there is no money then the bank can close the account.”*

The fact that some respondents indicated that they could not afford the auditors could be a challenge for the same respondents to obtain funding if they do not have audited financial statements. A potential funder might question financial accountability of an organisation that cannot produce an audited financial statement.

### 5.7.9 Financial Policy

It was also found that 60% of the respondents indicated that their organisations did not have financial policy as can be seen from the Chart 5.29.

Chart 5.29



The finding above speaks to the ability of the organisation to have policy documents that will ensure compliance to financial requirements. Byrd and Moon (1998) concur that the financial policy is important because it outlines rules and guidelines that govern organizational financial decisions. It is a tool utilized when making financial decisions about the organization and how it will move to the next level (Byrd and Moon 1998). If followed, financial policy could help, among others, to guard against mismanagement of funds within the organization as it outlines procedures of financial control. Although it is not a requirement, but having a financial policy shows how committed organisations are to dealing with financial issues.

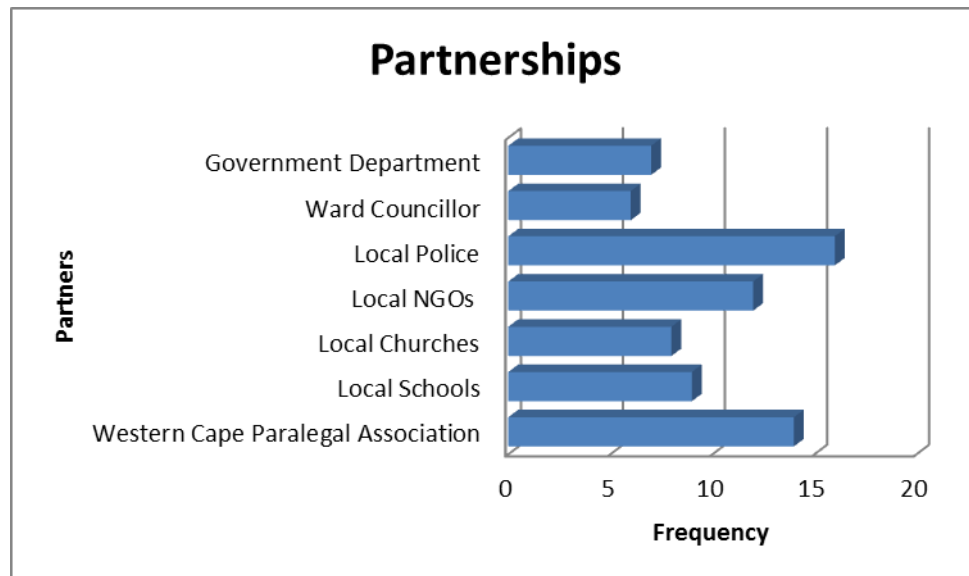
## 5.8 Partnerships

As an organization, having partners is very significant as it does not only show the value-recognition from other organizations, but also strengthens the working relationship from one organization to the next.

Over 75% of respondents indicated that they had partnerships with the local police as illustrated on the Chart 5.30 below; whilst above half of the respondents submitted that they both belonged to the Western Cape Paralegal Association and had some form of partnership with the local Non-Governmental Organisations within their communities. It should be noted

that despite being a prominent organisation in community, only 30% of the respondents indicated that they had partnership with the Ward Councillors. After the chart are responses from the study participants.

**Chart 5.30**



Respondent AO1 said that,

*“It’s a very tight interrelationship...because there is a lot that is happening at this Centre...there is lots of organisations dealing with community issues in this Centre...So, we use our connection.”*

Respondent AO4 argued that

*“Well, I served in the local police forum from the advice office side.”*

Respondent AO9 said that,

*“Yes, we do. SASSA (South African Social Security Assistance) we have got a very healthy relationship if they have got a case that they would need legal assistance, they call my office or ask me to go to them.”*

This finding revealed that CAOs did not work in isolation within the communities. That is, they had networks with other local organisations. Sontag-Padilla (2012) supports that having a collaborative and working partnership is important for community-based organisations as that could make life easy for them to be able to address the needs of community effectively and efficiently. So it is important for local organizations to have a good working relationship

amongst themselves because they serve the same communities faced by similar social challenges. Therefore, working together as organizations is important in that regard.

## **5.9 Policy Framework: Legal Practice Bill 2012 [B20-2012]**

As discussed in chapter two that in 2012, the Parliament of South Africa announced the Legal Practice Bill [B20-2012] with the aim to, among others, ensure that legal services are affordable and within the reach of the citizenry, (Legal Practice Bill, 2012). Despite this crucial objective of the Bill, it has excluded the paralegals and CAOs despite the work that they do and the community they continued to serve at close at no charge if not for free. The section below discusses the directors' perception on the Bill and their role to create awareness in community.

### **5.9.1 Directors' perception on the Legal Practice Bill [B 20 – 2012]**

The directors were asked about their views on the Legal Practice Bill [B 20 – 2012] and the most common perception was that Community Advice Offices needed to be recognized; that Community Advice Offices were doing work for the government and thus should be included in the Bill; that community would suffer if they (paralegals) were not included in the Bill; and lastly that private attorneys were putting a block on the Bill to include paralegals, as captured in Chart 5.31 below. The responses from directors are covered below.

Respondent AO2 maintained that,

*“...it means that the community will suffer...people will suffer because they will not be having access to justice....so we are not going to be recognised as serving the people.”*

Respondent AO9 said that,

*“It is sad that advice offices are excluded within the Bill.”*

Respondent AO13 said that,

*“It is going to have a huge impact...a negative one for our people because they cannot afford a lawyer.”*

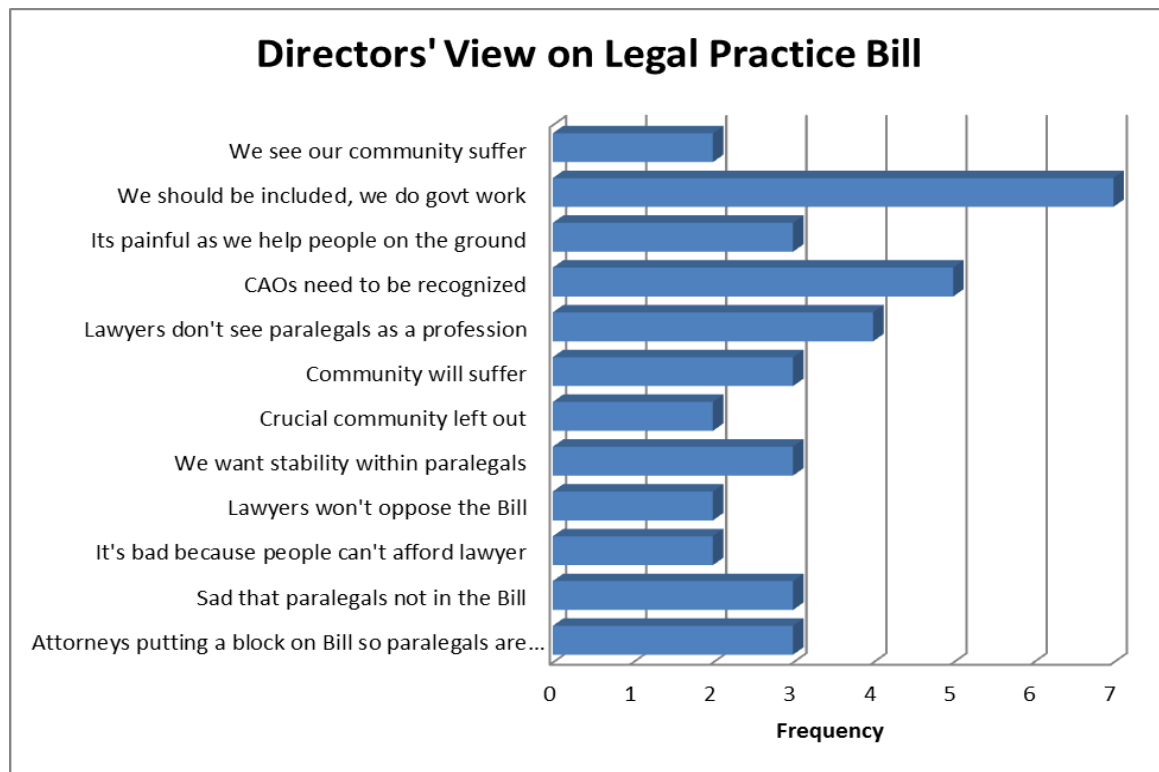
Respondent AO14 argued that,

*“Well, my view is that the Bill leaves out the most crucial part of community which is the Community-based paralegals...”*

Respondent AO17 said that,

*“...we are hoping that we as paralegal get recognition in the interest of the people....At the moment the attorneys are obviously putting a block on the Legal Practice Bill...”*

**Chart 5.31**

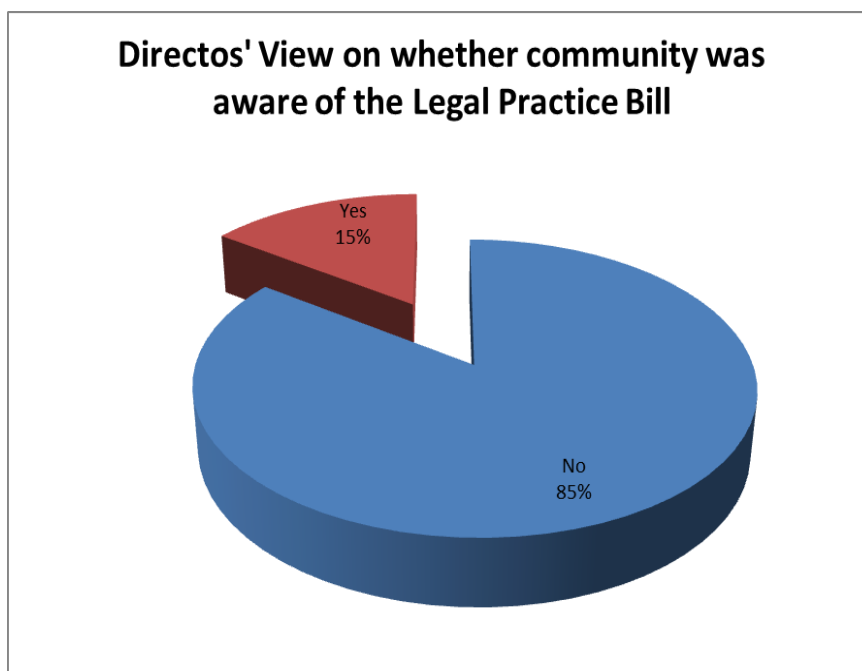


This finding showed that the majority of the respondents felt that CAOs should be recognized in the Bill because their organisations (CAOs) were doing work for government. Also, a significant number of respondents indicated that community would suffer should the Bill be signed into law as it is.

### **5.9.2 Community Awareness on the LPB [B 20 – 2012]**

Asked whether they thought their communities were aware of the current debates on the Legal Practice Bill [B 20 – 2012], 85% of the respondents, as illustrated in 5.32 below, indicated that their community members were not aware of the Legal Practice Bill [B 20 – 2012] and the fact that the Bill excluded the paralegals.

**Chart 5.32**



The finding above meant that a significant majority (85%) of the CAO directors that participated in this study acknowledged the fact that community was not aware of the Bill.

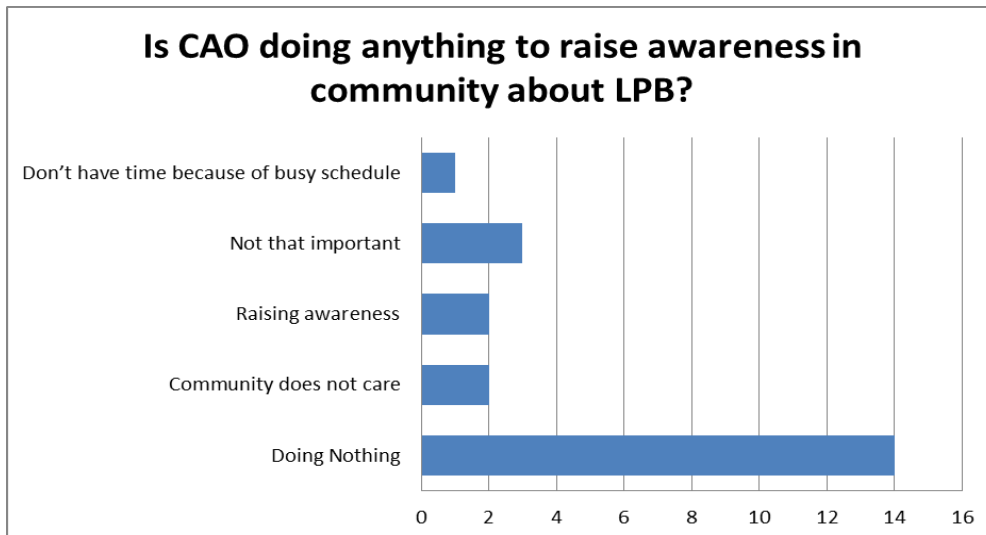
Further, the respondents were asked if their organisations were doing anything to raise awareness about the Bill and what the repercussions could be; most of the respondents indicated that they were doing nothing, as illustrated in the Chart 5.33 below. The participants' responses are also covered below.

Respondent AO5 said that,

*“Yah, it would be important to include the community because an injury to one is an injury to all. At the same time, people these days are very scared of marches...the police are there not only to see that people march peacefully and not do wrong things. But the police are there just to shoot.”*



Chart 5.33



The respondents, despite not doing anything to raise awareness about the LPB within community, maintained that it was significant for community to know about the Bill. Below are some of the responses.

Respondent AO8 argued that,

*"I don't think so. Because of lack of money...and lack of staff. When you are sitting and the house is full of people coming to seek advice, the last thing you think of is the Legal Practice Bill and engaging somebody to talk about it."*

Respondent AO15 maintained that,

*"I am doing that one-by-one as they come to seek advice as you see the register...by saying that 'look, seemingly one day the office will be closed due to the LBP'...their reaction is by saying 'this office will never be closed.'"*

Respondent AO17 submitted that,

*"I don't think the community cares about those things. If they get their problems solved here, they are not interested in those things."*

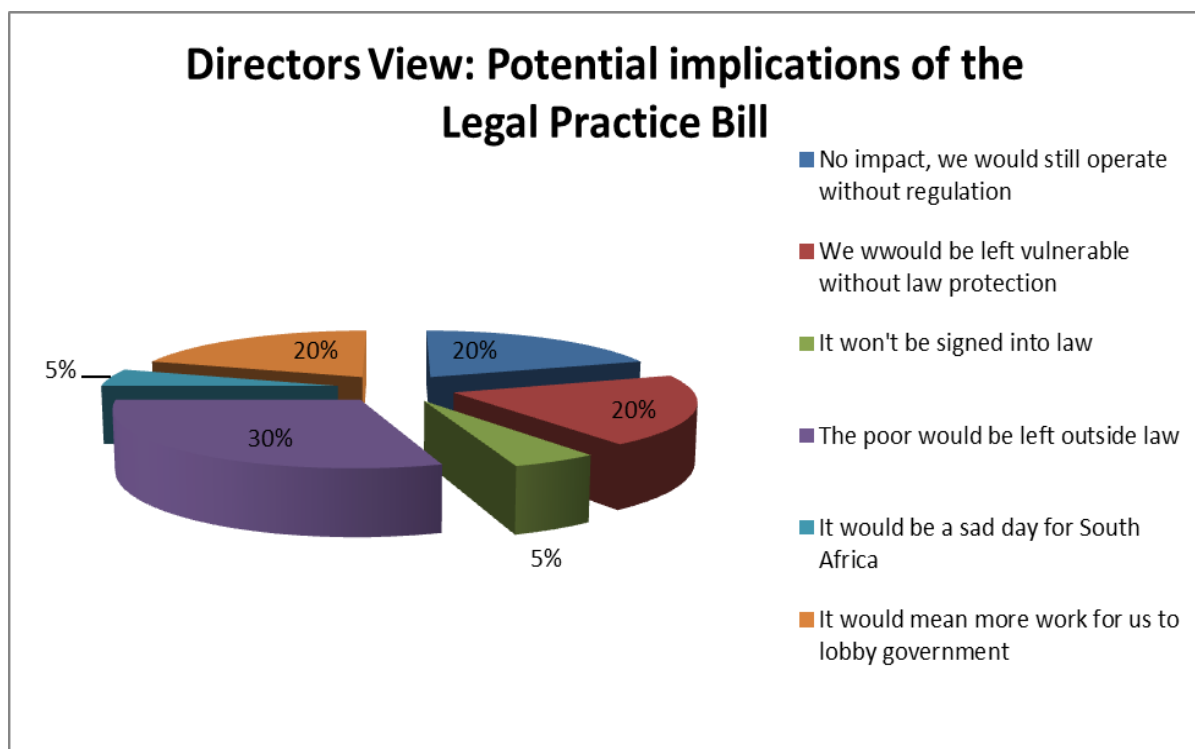
This finding showed a contraction; the majority of CAOs directors maintained that it was important for society to know about the LPB yet they (CAOs) were doing nothing to raise awareness about the Bill. It has been seen in the literature chapter that CAOs do human rights

and awareness raising, however, they fail to raise awareness on the controversial Bill which they believed could have serious repercussions if signed into law as it is.

#### 5.9.4 Implications of the LPB if its signed into law

At least 30% of respondents indicated that signing the Legal Practice Bill (LPB) as it is would mean that the poor would be left outside the law; whilst three (3) kinds of responses that constituted 20% each submitted that there would be no impact as they would still operate without regulation; the other response was that they would be left vulnerable; and the last response in this category was that more work would be done by the paralegals to lobby government as outlined in Chart 5.34 below. It can also be seen that only 5% of the respondents believe that the Bill will not be signed into law; and the last response was that it would be sad day for South Africa should the Bill be passed as it is. Below are some of the responses from the directors.

Chart 5.34



Respondent AO4 said that,

*“It won’t be signed into law. It has been on the table for the last 10 years...I think or much longer and it still not signed into law.”*

Respondent AO9 indicated that,

*“...we have been doing our work without the Bill for so long. We will continue to do our work...even more....It means we would need to work harder in case we need to take an appeal.”*

Respondent AO12 said that,

*“Well, without some protection from the law, we are basically left vulnerable to whatever it can happen. That would not be a healthy situation. I don’t think anybody would want to be a paralegal without protection from the law.”*

Respondent AO13 said that,

*“...the masses is being left out of justice within the Bill because advice offices serve poor people. That is what is the problem with our current government now because we fought for the liberation of the poor and the masses.”*

The finding above means that majority of respondents felt the poor people that they continued to serve would be left outside the law if the current Bill gets signed into law as it is. On the one hand, Hendrickse (2008) makes an argument that there is a link between long-term sustainability of the non-profit sector and the legislative framework of the country in which the NGO operates. In order for the NGO to operate smoothly, the legislative framework needs to be conducive for its survival and thus it remains the responsibility of any government to level the policy ground.

## **5.10 Representing clients in Courts**

All the participants of the study (100%) indicated that they would like to represent their clients in the lower courts such as the small claims court; equality court etc. Below are some of their responses.

Respondent AO9 said that,

*“We are qualified and trained but the only problem is that because we are paralegals, we cant represent clients in court and this is what we are hoping will happen one day.”*

Respondent AO12 maintained that,

*“It would be good for community because we can lawfully go to court with them....”*

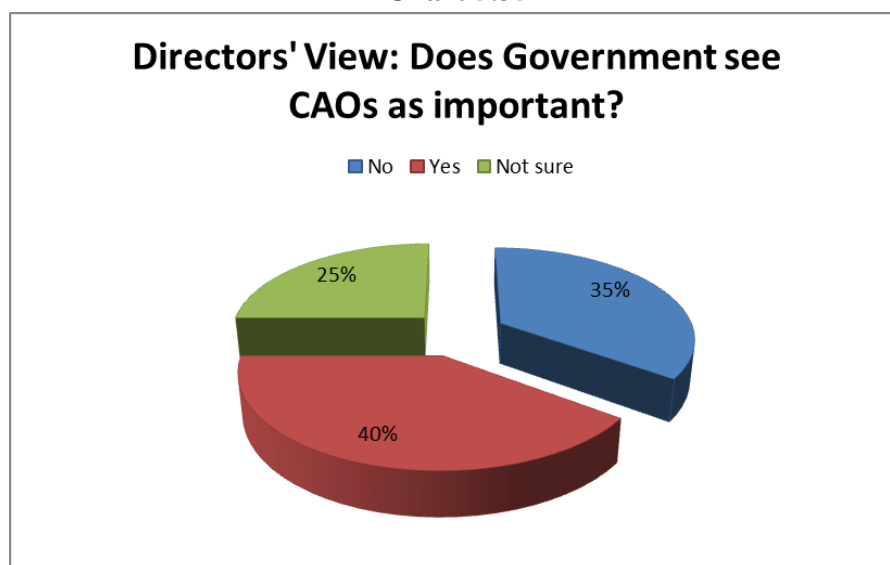
Respondent AO18 argued that,  
“Yes, most definitely.”

Representing clients in smaller courts could be an advantage for their clients because they could be represented in court by the person they are familiar to. Also, community-based paralegals, by virtue of residing in the same community they work, know the dynamics of their society. So this could be an advantage as they represent their clients.

## 5.11 Director’s View: Government Perception on CAOs

Directors of the CAOs that participated in this research were asked about whether they thought government saw their organizations as important entities in making access to justice for the poor. Chart 5.35 below illustrates their responses.

Chart 5.35



The majority (40%) of directors in this study indicated that they thought government saw their organisations as important to community; on the other hand, 35% of the respondents thought that government did not see them as doing important work; whilst 25% of the respondents submitted that they were not sure as illustrated in Chart 4.35 above. Below are some of the responses.

Respondent AO1 said that,

*“Each year we run a programme with the department of Justice for 3 days in August on access to justice where they would send everyone who is an attorney or a lawyer or a magistrate, or a judge to do pro bono service to the community.”*

Respondent AO11 maintained that,

*“...definitely government knows about our organisations...our advice office but they don’t want to support them whereas we know that during the apartheid era, advice offices were the most important weapon to helping the poor.”*

Respondent AO14 said that,

*“I don’t think we are taken very seriously. They know about our existence. We are being discussed at national level...I believe there is something in the pipeline.”*

Respondent AO18 argued that,

*“I am not sure about what to say about the government. I am actually disappointed...because people in government come from the advice office. The people you see in government come from the communities where advice offices are based. They know exactly what impact this has on the advice office.”*

Respondent AO19 submitted that,

*“That is what is the problem with our current government now because we fought for the liberation of the poor and the masses. So they only serve the minority elite of the society. This is not what we the poor and the masses struggled for during the apartheid...we fought for freedom.”*

This finding showed that the majority of respondents felt that government saw their organisations as important to the broader legal fraternity. This could be a good feeling to the directors because they thought that their crucial work is being recognized by government.

## **5.12 Education and Training: Importance of National Paralegal Institute**

All the respondents indicated that a national institution like a national paralegal school would really be of paramount significance because it would help ‘grow their own timber’ and

refresh paralegals through training. Although community-based paralegals working within Community Advice Offices submitted that they sometimes received trainings provided by various institutions including tertiary ones, but they believed that having a paralegal institute would really help. Moreover, the researcher noted that some of the directors working within the advice offices are aging and hence there was need for ‘new blood’ to come into these community organisations. Below are some of the responses.

Respondent AO5 admitted that,

*“...definitely...100% I would like that. Even if you can say tomorrow (laughs)....we would like more training.”*

Respondent AO9 said that,

*“...that is the very important one...We must invest in a training institute for the young blood that we are talking about.”*

Respondent AO14 argued that,

*“Well, it is important especially for community-based paralegals to have a single curriculum and accreditation because most of the courses that we attend are not accredited.”*

Education and training of current and new paralegals would be important if the paralegal sector is to be sustained. The finding above showed that the participants were ‘hungry’ for training in order to capacitate them and their current staff members with paralegal skills. New legislations are being formulated and there is need for current paralegals to understand them. In the late 1990s, Benjamin (2012) argues, a National Paralegal Institute was established as a training provider to offer a 2-year Paralegal Diploma. However, this institution was affected negatively by the collapse of the National Community-based Paralegal Association as seen in the literature review chapter.

## **5.13 Conclusion**

The history of Community Advice Offices goes as far back in the apartheid South Africa when voiced out against oppressive government policies. Even in the democratic South Africa, CAOs continued to provide much-needed paralegal advice and information to their communities in making sure that they realize their constitutional rights. Because of change in

the social problems affecting communities today, most CAOs run programmes aimed addressing those problems in order to remain ‘relevant’ in community.

Despite the crucial work they do, most of the CAOs have gone for many years without funding and government support has not been significant as some respondents felt that government did not take them seriously yet they did government’s job. The lack of full involvement of governing bodies in both fundraising and running of the CAOs has been one of the key findings as discussed in this chapter. The majority of the CAOs interviewed said that they were facing an unknown future in so far as financial sustainability is concerned as they relied heavily on small monthly grants from donors; and that most of the organisations did not have audited financial statements. Not much has been done by the directors of the CAOs in fundraising; and the majority of the respondents’ organisations did not have fundraising strategy; and that global recession has had adverse impact on them.

Although these organisations were not doing anything to raise awareness within community, directors of most advice offices that were interviewed felt that the current Legal Practice Bill [B 20 – 2012] would have serious repercussions to community should it be signed into law as it was. Others had hope that paralegals would be included in the Bill as covered in this chapter. The next chapter discusses the conclusions of the study and how well this research has met the research objectives; then the researcher will make recommendations in the same chapter.

## **CHAPTER 6 – CONCLUSIONS AND RECOMMENDATIONS**

### **6.0 Introduction**

The goal of this study was to explore the financial and management challenges faced by Community Advice Offices in the Western Cape Province and understand their sustainability. In order to accomplish the research goal, four (4) research objectives were developed for this study. This chapter will present the conclusions on how the research goal and objectives of study were achieved. Then recommendations will be made based on the research findings.

### **6.1 Conclusions**

#### **6.1.1 Objective 1 – Regulatory and Policy framework guiding the sector**

There was no policy framework that clearly outlined the direction for paralegals and CAOs. Even the current Legal Practice Bill (LPB) [B20-2012] excluded the paralegals, and this has been as a major set-back for community advice offices. This challenge, according to the research participants, could have negative implications to both the organizations and beneficiaries of their services, who were poor people living in rural communities. A significant majority of the respondents indicated that their communities were not aware and they were doing nothing to raise awareness within their communities about the LPB. CAOs were not mobilizing communities on the Bill. Also, government was not providing policy direction to guide the paralegal sector.

#### **6.1.2 Objective 2 – Financial and sustainability challenges faced by this sector**

This study has revealed that CAOs were not receiving any significant financial support from government and majority of them continued to depend heavily on donor funding. However, 80% majority of the respondents indicated that their organisations were facing an unknown future without either long-term funding support from government or donors. This showed how dependent CAOs were on external funding other than being self-reliant. Also the majority of them did not have a fundraising strategy and had not done important strides to fundraise for their operations and survival.



Further, the fact that majority of the respondents were not willing to share their audited financial statements with the researcher raised questions about their organisations' openness and ability to be held accountable. A few of the respondents submitted that they did not have audited financial statement. This is a sign of bad management. This could be one of the reasons why they were not receiving funding because funders could be questioning their ability to account for the funds used in a financial year. However, this does not mean that having an audited financial statement means that an organisation will automatically receive funding. But it is a good reputation of the management to receive an audit on their financials as it is an indication of how seriously an organisation takes their financial management and compliance to generally accepted accounting principles.

Further, both CAOs that shared their audited financial statements were doing fairly well. Thus, from the management side, their Boards of Directors were fully involved in the running of the organisations; sent staff members regularly for training; had financial strategy and their fundraising was good. Therefore, it can be concluded that was a reflection of good governance and strategic leadership provided by Board and the Coordinator of the organisations.

### **6.1.3 Objective 3 – Management challenges faced by this sector**

A significant majority of the CAOs' directors that participated in this study felt that their governing bodies (Boards of Directors) were not fully involved in the running of their organisations. How does leadership of an organisation provide strategic direction without being fully involved on how the organisation operates? This is a sign of bad leadership. How does the leadership then hold the executive director of the organisation accountable? At the same time, it could be de-motivating to the director of the organisation, for instance, knowing that his/her board of directors is not fully involved on how the organisation operates. This could mean that some members of the board of directors were not interested in the organisation itself and this poses a question on how they got to be elected into those positions.

Forty-two per cent (42%) of the respondents indicated that the last time they had an Annual General Meeting was 2-3 years ago. That meant that they did not account for 2-3 years. The Nonprofit Organisations Act No. 71 of 1997 provides that registered non-profit organisations have to hold Annual General Meetings (AGM) wherein among others, the Board of Directors

together with the director account for the work done in that year. As the term suggests, this has to be a general meeting that is held annually. Failure to hold AGM shows non-adherence of the Nonprofit Organisations Act No. 71 of 1997 and also an indication of bad management and leadership of any organisation.

#### **6.1.4 Objective 4 – Impact of current global recession on CAOs**

As expected, CAOs were negatively affected by the current global recession. Some were forced to cut down on the programmes because of reduced funding. This had a negative impact on the beneficiaries of the CAOs services. Without significant long-term sustainability, it was not easy for small organizations like CAOs that had minimal funding to survive the effects of global recession.

## **6.2 Recommendations**

This second section of the chapter will discuss the recommendations made in this study.

### **6.2.2 Regulation and Policy Framework**

The sooner parliament develops a policy framework to regulate and recognize work of community-based paralegals and community advice offices, the better. According to NADCAO (2013) the paralegal sector has engaged in several discussions with both the Parliamentary Portfolio Committee on Justice and Constitutional Development and the Department of Justice calling on them to provide policy direction to the sector. However, the current Legal Practice Bill [B 20 – 2012] still did not produce the expected outcome on the paralegal sector side because the sector was still not recognized. If the Justice Portfolio Committee sees CAOs as significant social partners in making access to justice possible to the poor, then it should provide policy direction guiding the paralegal sector. Having a policy framework governing the CAO sector would ensure that they are recognized in the broader legal fraternity as role players. At the same time, the CAO sector needs to continue lobbying government.

### **6.2.2 Management of CAOs**

For any organization to succeed, it needs strong and strategic leadership that will take it to another level of development with professionalism. Community Advice Offices are no exception to that. These organisations need to elect Board members that would be committed and interested in the running of the organisation. It should not be persons would just there to

fill the positions but people who have an interest in leading the organisation. There would need to be a culture of ownership of the organisation within and among Board members. Thus, each CAO should consider providing strategic planning and leadership training to its Board after being elected. This would build capacity of the Board in order for them to understand their roles and responsibility that come with their positions in leadership of the organisation.

### **6.2.3 Financial challenges and sustainability**

Government would need to ‘come to the party’ to financially support the struggling CAOs so that accessibility to justice is enhanced. CAOs were already meeting government half way by the service they provide, so why should government not also ‘appreciate’ that by making financial support available to them?

It could also be recommended that access to social justice for the poor should not be left in the hands of the public sector alone. Thus, it should not remain the sole responsibility of government to provide justice to all. Social partners such as CAOs; law firms and other stakeholders also have a role to play. Therefore, civil society organisations, government, and the private sector need to all ‘come to the party’ and develop a sustainable way in order to make access to social justice possible to all. An encompassing developmental model such as pulling funds in one big fund or pool to sustain civil society organisations such as CAOs should be developed to solicit funds from donors; business and government.

On the other hand, CAOs would need to sharpen their skills in fundraising and realize how much they could work towards sustaining their organisations. The CAOs would need to ‘clean their houses’ by being more accountable and complying to generally acceptable accounting practices. Thus they would need to have their financial statements audited. This would be a good reflection on their financial management capability.

Further, this research could recommend that CAOs would need to create a culture of ownership of the organization within community members. Creating this kind of environment would likely get community members more involved and understand that keeping the organization operating also depends on them. CAOs would need to create an environment of giving by educating members of the community about interdependence between the organization and the community itself and the need for mutual support. If the CAOs were

already providing much-needed advice at minimal cost or no cost at all, community members should therefore feel compelled to support them. CAOs would need to educate community members that the organization, in order to operate, needs support from the community which should understand reliance of the organization on them. Therefore, members of the community need to be encouraged to give a small amount and get more involved in community participation to raise funds for the organization.

Further, although they were not-for-profit by nature, CAOs would need to devise a cost-recovery means in order to keep their offices operating. This should not translate into making money but to recovery cost of expenses incurred for a case. CAOs could adopt a social entrepreneurship approach.

Lastly, one private law firms should adopt one CAO at least because this would assist in capacity-building of CAOs and thus supporting them to handle their management and financial matters professionally. This would in turn be the way in which private law firms offer their *pro bono* services.

#### **6.2.4 Paralegal training and education**

In order to enhance regular training and ‘growing own timber’ to sustain the paralegal sector, it is recommended that a national paralegal school be re-established. In fact, this research highlighted that universities such as University of Kwazulu-Natal, among others, already offer Paralegal Diploma. So the CAO sector needs to explore this opportunity. The same way government makes available bursary and scholarship opportunities to attract people to study other professions, it (government) should avail such opportunities in the area of paralegal studies as well. In fact, being a paralegal needs to be taken seriously as a noble profession like being a lawyer, teacher, social worker, or engineer and this could then attract young people to be enrolled in paralegal studies.

### **6.3 Conclusion**

This dissertation has revealed that CAOs have stood the test of time and some of them operated for years without literally any funding. They dealt with social issues that range from labour, domestic violence, social assistance, debt, to family matters among others. Given the number of clients they assisted on daily basis, there was no doubt that these small organisations are making a huge impact in community. Although some of them were activist

organisations in the apartheid era, but they remained relevant to society today by expanding their area of work since the dawn of democracy in South Africa. This study found that the CAO sector operate in an environment where there was no policy direction that was expected to be provided by government. Thus, they were not recognized in the Legal Practice Bill [B 20 – 2012] and the majority of study participants felt that this could leave the majority of poor South Africans outside of the law should the Bill be signed into law.

Although it remained the responsibility of government to provide access to justice to the poor, social partners such as CAOs play a significant role. However, these organisations were faced by financial sustainability challenges as this dissertation has revealed. They relied heavily on donor funding and little was done by them to fundraise. Also, government was not financially supporting them in a significant way in order to sustain the sector. But some of the CAOs were not financially accountable as their financials were not audited. On the management side, the majority of CAOs that participated in this study said that their Boards of Directors were not fully involved in the running of the organisations. Also, some of the CAOs have not had Annual General Meeting in more than 2 years, which could be seen as non-compliance to their constitutions and provisions of the Nonprofit Organisations Act No. 71 of 1997. In the whole, the CAOs were faced with financial and management challenges as dissertation has discussed and they still had a lot to do to ‘get their houses in order.’ This research also recommended that government needed to provide strategic policy direction for the paralegal sector.

Further, neoliberal macro-economic policies that South African government adopted after apartheid, as argued earlier in this study could have contributed to the decline of state responsibility for social justice to majority of its citizens. The focus shifted to issues around privatisation to boost the economy and the social justice aspect was neglected and thereby less commitment to making sure that citizens realise their human rights.

The systems theory, as argued earlier puts emphasis on the sub-systems being interrelated and interconnected to ensure the health of the entire system. So government’s role together with other social partners including CAOs is key to making sure that social justice is accessible to all citizens.

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Appendix 1 - Contact Database of CAOs in the Western Cape province (Source: NADCAO)								
No	AdviceOffice	PhysicalAddress	Postal Address	ContactPerson_s	Landline	Mobile	FaxNumber	MainEmailAddress
1	Athlone District Advice Office	42 Aden street  Athlone 7764	42 Aden Street Athlone CBD, 7764	Nolen Seconds	021 697 4167	083 747 5901	086 625 6615 / 021 697 4167	athloneadvice@telkomsa.net
2	Atlantis Advice & Development Office	Protia Park Primary Magnolia Street 3479	Protia Park Primary Magnolia Street 3479	Miss Sybil Mckinna-Peterson		0842899461	021 572 4484	atlanticcommunityadvice@gmail.com
3	Beaufort West Development & Advice Office	3de Vries Street  Thusong Service Centre Beaufort West 6970	PO Box 618 Beaufort West 6970	David Maans	023 415 1196	082 869 1708	023 415 1008	freddieklaaste@yahoo.com
4	Beaufort West Legal Advice & Development Office	01 Maarman Street  Methodist Building Beaufort West 6970	PO Box 618 Beaufort West 6970	Masibulele Uegen Mapotolo	023 414 3334	083 854 6839	023 414 2360	mcebisi@kchr.org.za
5	Bonteheuwel Community-Based Paralegal Office	Room 4 Corner of Jakkalsvlei Elder Bonteheuwel 7764	Room 4 Corner of Jakkalsvlei Elder Bonteheuwel 7764	Ms. Lucille February	021 695 0331	072 661 0818 / 071 494 1177	086 590 5814	bonteheuwela@telkomsa.net
6	Botrivier Advice and Development Centre	Kromco Building, 1 Fontein Street Botrivier, 7185	PO Box 96 Botrivier 7185	Arnie Africa	028 284 9749 botrivier.developmentcentre@telkomsa.net	072 146 0290/ 072 315 2620	028 284 9779	badc@mweb.co.za
7	Citizen Advice Bureau	Noah Centre  Z69 Jama Crescent Khayelitsha 7784	PO Box 60706 Kableview 7439	Miss. Cecelia Bailey	021 556 6086	079 182 5591	086 620 6652	citizenab@telkomsa.net
8	Citrusdal Advice Office	Eike Street  Citrusdal 7340 Orangeville Sport Ground	PO Box 160 Orangeville Sport Ground 7340	Mr. Christiaan Oerson	022 921 2113	072 103 1286	086 600 0312	oersonc@webmail.co.za
9	Clanwilliam Paralegal Advice Office	1 Sipres Avenue  Clanwilliam 8135	1 Sipres Avenue Clanwilliam 8135	Mr. Ben Van Rooy	027 482 1290	078 360 4317	027 482 2023	coa@telkomsa.net

10	D Almeida Resource & Information Centre	Mossel Street D Almeida Mossel Bay	PO Box 1000 Gamaskop D Almeida 6506	Mr. Oswald Khumalo	044 693 1063	076 376 4126	044 693 0899	daric@telkomsa.net
11	Doringbaai Multipurpose and Resource Centre	Church Street 24 Doringbaai 8150	PO Box 78 Doringbaai 8150	Mr. Larren Claasen klaasen_jj@gmail.com	027 215 1539	072 931 4056	027 215 1539	
12	Elsies River Advice Office	Multi- Purpose Centre Halt Road Elsies River 7490	PO Box 199 Matroosontein 7490	Mr Reginald Cloete	021 932 7531	072 1283 488	021 932 7531	elsiesadvice@mweb.co.za
13	Gugulethu Paralegal Advice Office	Catholic Welfare Development & Masizakhe Centre Section 1 NY22 No 24A Gugulethu	Catholic Welfare Development & Masizakhe Centre Section1 NY22 No 24A Gugulethu	Mr. Matthews Tsofuti	021 637 3184	072 379 5121	021 633 3458	matthewstshofuti@telkomsa.net
14	Heidelberg Advice & Development Centre	9 Mervyn Joseph Street Joe Slovo Park Heidelberg Western Cape	PO Box 369 Heidelberg 6665	Clive Pretorius	028 722 2759	073 332 8992	028 722 2759	clive.pretorius@yahoo.com
15	Heideveld and District Advice Office	1 Heideveld Town Center Corner Ascencion Heideveld Road 7764	1 Heideveld Town Center Corner Ascencion Heideveld Road 7764	Mrs. Hajiera Davids (outgoing) / Ms Jesmine Krige	021 699 1537	0834728410 / 084 387 8304 / 083 472 8410	086 542 2570	heideadvice@telkomsa.net
16	Hope Town Advice Centre	958 Aandlom Street Steynville Hopetown 8750	Po Box 260 Hopetown 8750	Clarens Makaleni		084 395 8349		clarensm@webmail.co.za
17	Karoo Centre for Human Rights (Head Office)	120 Bird Street Beaufort West 6970	PO Box 618 Beaufort West 6970		023 414 2480	083 683 0427	023 414 2470	info@kchr.org.za
18	Klawer		Po Box 69 Klawer 8145	Mr Ruiter Julies	027 216 1332	082 760 8395	027 216 1332	ruiterjulies@gmail.com
19	Klawer Advice and Development Centre	Klawer Municipal Building -Restrooms, Skuil Street	Po Box 69 Klawer 8145	Ruiter Julies	027 216 1332	082 760 8395	027 216 1332	ruiterjulies@gmail.com
20	Langa Community Advice Service	62 Harlen Street Langa 7455	62 Harlen Street Langa 7455	Davit Viti	021 694 8823	083 581 3314	021 695 3328	robertsandlana@yahoo.com

21	Lotus River	19 Sterretjie Street EaglePark 7941	19 Sterretjie Street EaglePark 7941	Vicky Geldebloem	021 704 6060	083 940 6999	021 396 5535	lighthousegrouping@gmail.com
22	Malmesbury Community Advice Forum	Acasia Ave Wesbank  Malmesbury 7300		Miss. Anna Markus	022 486 5185	071 527 6970	022 486 4923	askoek@telkomsa.net
23	Masincedane Community Advice Office	4 Thuliswa Close Du noon Milnerton 7441	4 Thuliswa Close Du noon Milnerton 7441	Tex Dlundia	021 554 6043	082 625 3092	021 554 6043	texdludia@yahoo.com
24	Mitchells Plain Community Advice and Development Project	Room 13/1 OGS Building  Corner First Street & 4th Avenue Engen Garage  Mitchells Plain 7785	PO Box 103 Liberty Promenade  Mitchells Plain 7785	Mrs. Dawn Adams	021 392 2000	082 598 6075	/021 392 2887	mitchellsplainadv@telkomsa.net
25	Montagu Advice Office	Baal Street 45  Montagu  6720  Montagu Building Office no 4	  PO Box 655  Montagu 6720	Mr. Olin Kiewietz	023 614 2485	076 323 2431	023 614 2485	mont.advice@gmail.com
26	Nelspoort Advice Office	02 Nelspoort  Old Nurses Home 6973	PO Box 36  Nelspoort 6973	Mr Arrie Jonkers	023 416 1878	076 099 9682	023 416 1818	julline@webmail.co.za
27	Overberg Development & Empowerment Centre	Cnr Charter & Leipoldt Street Caledon	PO Box 151 Caledon 7230	Mr. David Kroukamp	028 212 2327	082 530 3220	028 212 2327	dawidkroukamp@telkmsa.net
28	Paarl Advice Office	C/O Dept Soc Services Room 126  New & Dercksen  Paarl 7646	C/O Dept Soc Services Room 126  New & Dercksen  Paarl 7646	Angie Le Cordeur	021 871 1682 ext 156	071 407 6249	021 872 0049	paarladvise@kwabet.com
29	Porterville Advice Centre	Van Zyl Street (Oppo Ok Grocer) Porterville	Porterville 6810	Mr. Jonathan Esau	022 931 3753	082 866 5149	022 931 3753	jonathanesau2@gmail.com
30	Prince Albert Advice Office	No 3 Voor Street  Prince Albert 6930	P O. Box 202  Prince Albert 6930	Mr. Handrick & Angelique	023 541 1340	076 989 9210	023 541 1340	paakparalegal@gmail.com
31	Richtersveld Advice Office, Port Nolloth	Alexcor Parkhome no 2  Port Nollot 8280	PO Box 392  Port Nolloth 8280	Miss Adelaide Klaasen	027 851 8070 027 8517355	078 376 1320	027 851 7715	pnadvise@mweb.co.za

		38D Saldanha Road	PO Box 1148 Vredenburg					
32	Saldanha Advice Office	Vredenburg, 7380	7380	Miss Jacques Booyens	022 715 1147	076 202 4740	022 713 4448	0762024740@vodamail.co.za
33	Southern Cape Land Committee - George Advice Office	Church Street 8A Beaufort West 6973	Church Street 8A Beaufort West 6973	Mr. Barnes Jonas	023 415 3466	084 990 7656	023 415 3190	forest@webmail.com
34	Steinkopf Advice Centre	523 Brecher Road Steinkopf 8244	523 Brecher Road Steinkopf 8244	Mrs. Fysch Dora	027 721 8362	083 240 3041	027 721 8344	steinkop@telkomsa.net
35	Swellendam Advice & Development Centre	19 Voortrekker Rd Swellendam 6740	19 Voortrekker Street Swellendam 6740	Miss. Jackie Hansen	028 514 3569	073 648 8859	028 514 3569	swdadvice@telkomsa.net
36	Theewaterskloof Agency For Social Transformation and Economic Development	42 Voortrekker Road Riviersonderend 7250	Po Box 286 Riviersonderend 7250	David Owies		078 684 3809	086 571 6105	tasted@hotmail.com
37	Vredendal Verbruikers en Advice Office	10 Voortrekker Street Vredendal 8160	PO Box 443 Vredendal 8160	Suzette Seaf		084 244 3697		
38	Western & Northern Cape Regional Office	Trumali Road Brandwacht Office Park Stellenbosch 7600	Trumali Road Brandwacht Office Park Stellenbosch 7600		021 861 3000		021 886 8657	
39	Witzenberg Advice Office	48 Lyle Street Ceres 6835	PO Box 623 Ceres 6835	Mr David Arendse	023 316 1811/ 023 316 2235	078 893 1753	023 316 2234	ceres@lda.org.za
40	Worcester Paralegal Office	Indoor Sports Centre Van Hyssteen Avenue Worcester 6850	Indoor Sports Centre Van Hyssteen Avenue Worcester 6850	Mr. Fred Koert	023 348 2724		023 344 3448	wpao@telkomsa.net
41	Bitterfontein Advice Office	39 Central Street Vietersontein 8200	PO Box 30 Vietersontein 8200	Mr. Ovis Charl	027 642 7340	074 208 8500	027 642 7341	c.sterkse@gmail.com
42	Boland							
43	Cape Agulhas Community Bureau	61 Church Street Bredasdorp	61 Church Street Bredasdorp	Mr. Dawn Valentine	028 425 2456	083 512 2056	028 425 2456	
44	Franchhoek							
45	Graafwater Advice Office		CAO CDI		027 422 1847		027 422 1847	g ko@telkomsa.net
46	New World Foundation	Grindal Avenue Lavender Hill 9745	PO Box 290 Steenberg 7947	Mr. Liewellyn Jordaan	021 788 4055 / 021 701 1150	079 975 2800	021 788 4099	jordaan1@newworldfoundation.org.za

		Allied Building Rooms 310 & 311 3rd Floor Church Street Outdshorn	PO Box 220 Outdshorn					
47	Ubuntu Advisory Office	6620	6620	Miss. Elaine Snyman	044 279 2203		044 279 2203	ubuntuadviceodn@telkomsa.net
48	Graaff-Reinet Advice Office		PO Box 580 GRAAFF-REINET 6286	Mr. Booysen		083 466 7863	088 049 892 3315 (Att: Mr Booysen)	
49	Legal Aid Office Riversdale	23 Dickson Street Riversdale 6670	23 Dickson Street Riversdale 6670		028 713 4620		028 713 4621	
50	Riversdale Advice & Development Centre	MPCC Van Den Berg Street Riversdale 6670	MPCC Van Den Berg Street Riversdale 6670		028 713 1620		028 713 1620	rvdadvice@telkomsa.net



## **Appendix 2 - Interview Schedule**

**Research Topic:** Assessment of financial and management challenges faced by Community Advice Organisations in the Western Cape province.

**Important document** (that the researcher will ask for):

1. Can I please have copy of your constitution.
2. Can I please have a copy of your last year's (2012/13) audited financial statement.
3. Can I please have copy of your last year's (2012/13) Annual Report.

### **Organisational Background**

1. How long has organisation been operating?
2. When did you join the organisation? Or how long have you been involved as head of the organisation?
3. Please take me through on how the organisation was started. Who started the organisation? Did you start it?
4. What was the social condition that the organisation was established to address?

### **Organizational Structure**

1. Do you have a management committee/Board of Directors (BoD)/Governance body?
2. How many members does the BoD have?
3. How often does the BoD meet? When last did you have a BoD meeting?
4. What is the involvement of the BoD in the running of the centre?
5. How many staff members does your organisation have?
6. How important is it to have qualified staff members? i.e Do you need people with qualification in order to better deliver your organizational service? Does your organisation have someone with legal background or qualification? How important is it that your organisation should have such a person
7. How long have you had the same staff members?
8. What is the significance of having an in-house training?
9. What are the most common reasons for staff leaving?
10. Do you have volunteers or interns in your organisation? How long have you been working with them? Are they receiving any salary or stipend?

### **Programmes / Service Delivery**

1. What kind of service does your organisation offer? e.g group counseling?
2. How do you carry-out your service? Human rights awareness campaigns / social assistance awareness etc?
3. Do you have programmes that your organisation runs jointly with the government? e.g labour issues; consumer; HIV/AIDS awareness etc.
4. What are the most prevalent issues that your organisation is dealing with? Currently, what are the most prevalent issues your clients are confronted with?
5. What kind of people are consumers of your service? Rich? Poor? Middle class? Young? Old?

6. How important is your organisation to the community you serve?
7. What makes your organisation unique?
8. Do you think your organisation is making a huge impact to the community?
9. What is the role of your organisation in the community?
10. How sustainable is your service if government is not funding them?

## Financials

1. What are your sources of funding?

Government departments or agency	Local Donors / Corporates	International Donors	Other: Specify

2. How important is it that government should financially support your organisation?
3. How has the recent global recession affected running of your organisation?

Cutting of programmes	Donors cutting funding	Retrenching of staff members	Cutting of Operation Costs

4. Do you have a fundraising strategy?
5. How effective is your fundraising? i.e have you been able to obtain income through your fundraising activities?
6. How important is it that your BoD gets involved in fundraising?
7. Is your organisation financially secure?
8. What is your perception about the financial sustainability of the organisation?
9. How important is it that you market your organisation to make sure that communities know about it and maybe willing to support it?
10. Are you receiving any support from business corporates?
11. Are you getting any support (financial/ in-kind) from the local community/businesses/stakeholders?
12. How important is that local corporates should financially support your organisation?
13. Do you submit any financial reports to the Department of Social Development?
14. Who does (compiles) your financial statements or reports?
15. Who are your auditors?
16. Is the financial reporting done competently?

## Partnership

1. Do you have any advice organisation network/forum/platform that you belong to?
2. Do you have partnership with the local businesses; schools; churches; members of the community?
3. Are you working closely with the local police or community protection force or social workers etc?
4. If you are unable to solve a certain case, where do you refer it to? Legal Aid? Law clinic? Attorney?

5. Do you think community views your advice organisation as important to them? (Do you think community members understand the role of your advice organisation in their community?)

### **Policy Framework and Sustainability**

1. What is your view on the current Legal Practice Bill (LPB)?
2. What impact will the Bill have on the community if it is signed into law as it is?
3. What impact will it (Bill) have on the advice organisation?
4. How important is it for the paralegal sector to have a regulatory framework? (A separate one from the LPB or be included in the Bill?). Will that increase chances of being recognized and potentially help sustain the sector? Will the sector be viewed as 'legitimate' with government recognition?
5. What is the sector doing to raise awareness to members of the public about the LPB?
6. Shouldn't your organisation have mobilized community and held marches and protests to lobby government and raise awareness on the stance of the paralegals on the LBP?
7. Do you think government sees organisations as important entities in making access to justice possible for the poor? How important is it that government recognizes paralegal organisations?
8. Is your organization's future secure? Is your organisation sustainable? Can your organisation survive the next 5-10 years?
9. How important is it that paralegals have a paralegal training institute? So that they can be accredited and potentially represent clients in the lower or small courts? e.g local courts; equality courts; small claims court etc.

## Appendix 3 – Informed Consent

### CONSENT TO PARTICIPATE IN RESEARCH STUDY UNIVERSITY of CAPE TOWN (UCT)

I have been asked to participate in a research study by \_\_\_\_\_

**Title of Research study:** Assessment of financial and management challenges faced by Community Advice office in the Western Cape province.

**Confidentiality/anonymity:**

I have been given the assurance that my privacy will be protected and that any information I provide will be reported anonymously and that my name and identity will not be disclosed at any time.

**Right to withdraw:**

My participation is voluntary and I may withdraw from the research study at any time.

**Compensation:**

I will not receive any compensation for my participation in this study.

**Procedure:**

I will be asked questions by the researcher and the interview may be recorded on a tape.

**Verification:**

If I have any questions about this research study I may contact Associate Professor Andre de V Smit at the UCT Department of Social Development on 021 650 3483 / 3493

I \_\_\_\_\_ **volunteer to participate in the research study.**

\_\_\_\_\_  
Participant's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Researcher's signature

\_\_\_\_\_  
Date